



Judicial Impact Statement

www.ohiojudges.org

December 2019

HB 158 – Limited privileges for first time FRA suspension

HB 158

Rep. Blessing

Title Information

To amend section 4509.101 of the Revised Code to waive the fee for filing a petition for limited driving privileges for an individual who qualifies as indigent and whose license is suspended as a result of failure to maintain proof of financial responsibility, and to authorize a court to grant such limited driving privileges on a first offense.

Background

Under existing law, a court may grant limited driving privileges to a person whose license has been suspended for failure to maintain proof of financial responsibility on the driver's second (and subsequent) offense, but not on the first offense. H.B. 158 seeks to correct this by allowing courts to grant limited driving privileges on a first-time FRA suspension. The bill also waives the filing fee for indigent drivers applying for limited driving privileges when the license was suspended for failing to maintain proof of insurance.

Judicial Impact

Judges certainly share the sponsor's interest in making it easier, not harder, for Ohioans to be able to drive legally. However, we believe the bill, as it pertains to allowing for limited driving privileges, is unnecessary. Under existing law, the penalty for a first offense of driving without proof of financial responsibility is a Class (F) license suspension. Unlike other license suspensions, a Class (F) suspension is not based on a specified length of time. Rather, the period of suspension is "until conditions are met." R.C. 4510.02 (B)(6). While the bill allows a person to seek limited driving privileges while under such a suspension, it requires them to first present proof of insurance and enroll in a reinstatement fee payment program. Under existing law, however, these are the same conditions a person must meet in order to have the Class (F) suspension lifted entirely. R.C. 4509.101 (A)(5). We thus do not see the reason to allow for limited driving privileges when the same requisite conditions, once met, will result in a lifting of the suspension entirely.

Conclusion

Though well intentioned, and likely to not have a negative impact on courts, judges believe that H.B. 158 is unnecessary to achieve the sponsor's goals. Instead, attention should be given to other obstacles preventing people from driving legally, such as exorbitant and escalating reinstatement fees, and suspensions for offenses that have nothing to do with the safe operation of a motor vehicle.

What is a Judicial Impact Statement?

A Judicial Impact Statement describes as objectively and accurately as possible the probable, practical effects on Ohio's court system of the adoption of the particular bill. The court system includes people who use the courts (parties to suits, witnesses, attorneys and other deputies, probation officials, judges and others). The Ohio Judicial Conference prepares these statements pursuant to R.C. 105.911.