OHIO DRIVER'S LICENSE LAW

POINTS FORMULA RC 4510.036(C)	
SIX POINT VIOLATIONS	**FOUR POINT VIOLATIONS**
Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter aggravated vehicular assault, or vehicular assault	Operation of vehicle after underage consumption
	Operation in willful or wanton disregard of safety of persons or property
Willful fleeing and eluding law enforcement officer	Exceeding speed limit by > 30 mph
Failure to stop and disclose identity at scene of accident	**TWO POINT VIOLATIONS**
Street racing	Exceeding speed limit of 55 or higher by > 10 mph but ≤ 30 mph
Driving under a 12-point, OVI, or ALS suspension	Exceeding speed limit of less than 55 mph by > 5 mph but ≤ 30 mph
Driving under the influence of alcohol, drug of abuse, or both	Operating in violation of registrar's license restriction
Unauthorized use of vehicle (that does not involve an aircraft or motorboat)	RC 4510.11, RC 4510.111, RC 4510.16, RC 4510.21, or any DUS ordinance
Any felony motor vehicle violation; any felony committed with a motor vehicle	All other moving violations, except for RC 4510.12 which is 0 points

RC 4507.35 - FAILURE TO DISPLAY LICENSE OR PROOF OF LICENSE - *0 POINTS*

Level/No. of Offense	*Degree of Offense*	*Incarceration/ Community Service*	*Fines*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required*
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service[1]	$0 - $1,000	No	No	No	No
Third or more in 3 years	M-1	0 - 180 days	$0 - $1,000	No	No	No	No

RC 4510.037(J) - DRIVING UNDER 12-POINT SUSPENSION - *6 POINTS*

Level/No. of Offense	*Degree of Offense*	*Incarceration*	*Fines*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required*
Any	M-1	3 - 180 days	0 - $1,000	No	No	No	No

RC 4510.11 - DRIVING UNDER SUSPENSION OR IN VIOLATION OF LICENSE RESTRICTION[2] - *2 POINTS*

Level/No. of Offense (includes prior RC 4510.111 and 4510.16)	*Degree of Offense*	*Incarceration*	*Fines*	*Restitution for loss due to accident*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required* [3]
First in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	No	No	No
Second in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	Optional 30 days if Δ owns vehicle	No	Optional 30 days if Δ owns vehicle
Third in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	Optional 60 days if Δ owns vehicle	No	Optional 60 days if Δ owns vehicle
Fourth or more in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	No	Optional if Δ owns vehicle[4]	Optional

RC 4510.111 - DRIVING UNDER SUSPENSION/ LICENSE FORFEITURE OR CHILD SUPPORT - *2 POINTS*

Level/No. of Offense (includes prior RC 4510.11 and 4510.16)	*Degree of Offense*	*Incarceration/ Community Service*	*Fines*	*Restitution for loss due to accident*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required* [3]
First in 3 years	Unclassified misdemeanor	0 - 500 hours community service[1]	$0 - $1,000	No	Optional	No	No	No
Second in 3 years	Unclassified misdemeanor	0 - 500 hours community service[1]	$0 - $1,000	No	Optional	Optional 30 days if Δ owns vehicle	No	Optional 30 days if Δ owns vehicle
Third in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	Optional 60 days if Δ owns vehicle	No	Optional 60 days if Δ owns vehicle
Fourth or more in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	No	Optional if Δ owns vehicle	Optional

RC 4510.12 - OPERATING MOTOR VEHICLE OR MOTORCYCLE WITHOUT VALID LICENSE - *0 POINTS*

Level/No. of Offense	*Degree of Offense*	*Incarceration/ Community Service*	*Fines*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required*
Never licensed RC 4510.12(C)(1) First anytime	Unclassified misdemeanor	0 - 500 hours community service[1]	$0 - $1,000	No	No	No	No
Second or more anytime	M-1	0 - 180 days	$0 - $1,000	No	No	No	No
Expired license RC 4510.12(C)(2) First or second in 3 years	MM	No	$0 - $150	**No** for first offense **or** if prior was > 3 years. **Optional** if a prior in 3 years **and** expired > 6 months.	No	No	No
Third or more in 3 years	M-1	0 - 180 days	$0 - $1000		No	No	No

[1]Defendant may not be sentenced to jail term or community residential sanction. Failure to perform community service may be punished as indirect criminal contempt.
[2]It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. RC 4510.04.
[3]The court may impound the plates of any vehicle registered in the name of the defendant. See RC 4507.02(B)(1) and RC 4507.164.
[4]If title to subject vehicle is assigned or transferred, offender may be fined value of vehicle per national automobile dealer's association publications. RC 4503.234(E).

Judge Jennifer P. Weiler, Garfield Heights Municipal Court
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With 2011 Sub. H.B. 5 changes, effective 9-23-11.

RC 4510.14 - DRIVING UNDER OVI SUSPENSION[1] - *6 POINTS*

Level/No. of Offense	*Degree of Offense*	*Incarceration*	*Fines*	*Restitution for loss due to accident*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required* [2]
First in 6 years	M-1	3 - 180 days jail **or** 30 - 180 days HAEM.[3]	$250 - $1,000	Up to $5000 if no proof of Δ's FRA	Mandatory	Mandatory 30 days if Δ owns vehicle	No	Mandatory 30 days if Δ owns vehicle
Second in 6 years	M-1	10 days to 1 year jail **or** 90 days to 1 year HAEM.[3]	$500 - $2,500	Up to $5000 if no proof of Δ's FRA	Mandatory	Mandatory 60 days if Δ owns vehicle	No	Mandatory 60 days if Δ owns vehicle
Third or more in 6 years	Misdemeanor	30 days to 1 year jail. No HAEM.[3]	$500 - $2,500	Up to $5000 if no proof of Δ's FRA	Mandatory	No	Mandatory if Δ owns vehicle[4]	Optional if Δ owns vehicle

RC 4510.16 - DRIVING UNDER FRA SUSPENSION/CANCELLATION/NONPAYMENT JUDGMENT[1&5]- *2 POINTS*

Level/No. of Offense (includes prior RC 4510.11 and 4510.111)	*Degree of Offense*	*Incarceration/ Community Service*	*Fines*	*Restitution for loss due to accident*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required* [2]
First in 3 years	Unclassified misdemeanor	0 - 500 hours community service[6]	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	No	No	No
Second in 3 years	Unclassified misdemeanor	0 - 500 hours community service[6]	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	Optional 30 days if Δ owns vehicle	No	Optional 30 days if Δ owns vehicle
Third in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	Optional 60 days if Δ owns vehicle	No	Optional 60 days if Δ owns vehicle
Fourth or more in 3 years	M-1	0 - 180 days	$0 - $1,000	Up to $5000 if no proof of Δ's FRA	Optional	No	Optional if Δ owns vehicle[4]	Optional if Δ owns vehicle

RC 4510.21 - FAILURE TO REINSTATE LICENSE[1] - *2 POINTS*

Level/No. of Offense	*Degree of Offense*	*Incarceration/ Community Service*	*Fines*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required*
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service[6]	$0 - $1,000	Optional	No	No	No
Third or more in 3 years	M-1	0 - 180 days	$0 - $1,000	Optional	No	No	No

RC 4511.203 - WRONGFUL ENTRUSTMENT OF MOTOR VEHICLE - *0 POINTS*

Level/No. of Offense	*Degree of Offense*	*Incarceration/ Community Service*	*Fines*	*Class 7 Suspension (≤ 1 year)*	*Immobilization*	*Forfeiture*	*Impound Plates Required* [2]
First in 3 years: **RC 4511.203(A)(1),(2) or (3)**	Unclassified misdemeanor	0 - 500 hours community service[6]	$0 - $1,000	Optional	Optional 30 days	No	Optional 30 days
RC 4511.203(A)(4) or (5)	M-1	0-180 days					
Second in 3 years: **RC 4511.203(A)(1),(2) or (3)**	Unclassified misdemeanor	0 - 500 hours community service[6]	$0 - $1,000	Optional	Optional 60 days	No	Optional 60 days
RC 4511.203(A)(4) or (5)	M-1	0-180 days					
Third or more in 3 years: **RC 4511.203(A)(1),(2), or (3) or RC 4511.203(A)(4) or (5)**	M-1	0 - 180 days	$0 - $1,000	Optional	No	Optional[4]	Optional

[1]It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. RC 4510.04.
[2]The court may impound the plates of any vehicle registered in the name of the defendant. See RC 4507.02(B)(1) and RC 4507.164.
[3]HAEM means house arrest with electronic monitoring. Within 60 days, court must issue finding of lack availability of jail space. RC 4510.14(C).
[4]If title to subject vehicle is assigned or transferred, offender may be fined value of vehicle per national automobile dealer's association publications.
[5]It is an affirmative defense that the suspension resulted from the person's failure to respond to a random financial responsibility request, and at the time of the request, the person was in compliance with requirements as shown by proof of financial responsibility then in effect. RC 4510.04.
[6]Defendant may not be sentenced to jail term or community residential sanction. Failure to perform community service may be punished as indirect criminal contempt.

LIMITED DRIVING PRIVILEGES

- **Court-Imposed Suspensions** *A court **may** grant limited driving privileges **except for**:*
  1. The "hard-time" of a class 2, or any portion of a class 1 suspension, for failure to comply, willful fleeing and eluding. RC 2921.331(E).
  2. The "hard-time" of OVI, OVUAC or ALS. RC 4510.13(A).
  3. Child endangering involving operating under the influence, and three or more prior/equivalent offenses within six years. RC 2919.22(G).
  4. Certain moving violations committed by juveniles with three or more prior offenses. RC 4510.31(C)(3).
  5. The operation of a commercial vehicle by person with suspended driver's license or CDL or commercial motor vehicle disqualification. RC 4506.161.

- **Bureau of Motor Vehicles Suspensions** *A court **may not** grant limited driving privileges **except for**:*
  1. Extension of time, up to 180 days, for offender to reasonably acquire reinstatement fees if payment of fees if is the only impediment to reinstatement. Privileges may be for occupational or "family necessity" only. RC 4510.10(D)(2).
  2. FRA suspensions as follows:
     a. **First offense**: only with proof of financial responsibility and compliance with RC 4509.101(A)(5). RC 4509.101(A)(2)(a).
     b. **Second offense within 5 years**: as above but no privileges allowable for first 15 days of the suspension. RC 4509.101(A)(2)(b).
     c. **Third or greater offense within 5 years**: no privileges may be granted. RC 4509.101(A)(2)(c).
  3. Upon an appeal of a twelve point suspension. RC 4510.037(G).
  4. Upon certain juvenile probationary suspensions by the issuing court upon finding that the person's ability to continue employment, educational or vocational training, or treatment will be seriously affected. RC 4510.31(C)(1).
  5. For Class D suspensions on Ohio residents for drug convictions from other state or federal court, except during "hard-time" of same. RC 4510.17(E).

- **Conditions** *In granting limited driving privileges, the court:*
  1. Shall specify the purposes, times and places of the privileges. RC 4510.021(A).
  2. Shall require the offender to provide proof of financial responsibility. RC 4510.021(E).
  3. May impose any other reasonable conditions including requiring immobilizing and disabling device and/or restricted plates. RC 4510.021(A),(C).

- **Purposes** *Privileges may be granted for:*
  1. Occupational, educational, vocational, or medical purposes. RC 4510.021(A)(1).
  2. Taking driver's or commercial driver's license examination. RC 4510.021(A)(2).
  3. Attending court-ordered treatment. RC 4510.021(A)(3).
  4. For juveniles, practice driving with parent, guardian, or custodian in the seat beside the juvenile. RC 4510.021(D).