

# OHIO DRIVER'S LICENSE LAW

POINTS FORMULA - RC 4510.036(C) <sup>1</sup>	
SIX POINTS	THREE POINTS
Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter aggravated vehicular assault, or vehicular assault	Driving while using electronic wireless communication device (2nd in 2 yrs.)
TWO POINTS	
Willful fleeing or eluding of law enforcement officer	Exceeding speed limit of 55 or higher by > 10 mph but < 30 mph
Failure of driver to stop and disclose identity at scene of accident	Exceeding speed limit of less than 55 mph by > 5 mph but < 30 mph
Street racing, stunt driving, or street takeover	Driving while using electronic wireless communication device (1st in 2 yrs.)
Driving under a 12-point, OVI, or ALS suspension	Operating in violation of registrar's license restriction
Operation of vehicle under the influence of alcohol, drug of abuse, or both	Violation of RC 4510.11 (DUS or in violation of license restriction);
Unauthorized use of vehicle (that does not involve an aircraft or motorboat)	RC 4510.111, (DUS); RC 4510.16 (Driving under FRA suspension)
Any felony motor vehicle violation or any felony committed with a motor vehicle	RC 4510.21 (Failure to Reinstate)
FOUR POINTS	
Operation of vehicle after underage consumption	Failure of driver to stop and disclose identity at scene of accident - real property
Operation in willful or wanton disregard of safety of persons or property	All other moving violations
ZERO POINTS	
Exceeding speed limit by 30 mph or more	Operating motor vehicle or motorcycle without a valid license
Driving while using electronic wireless communication device (3 <sup>rd</sup> + within 2 yrs.)	

## 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 <sup>2</sup>	\$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<sup>3</sup> - 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<sup>3</sup> - 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 <sup>4</sup>
First in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Up to \$5000 if no proof of FR	Optional	No	No	No
Second in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Up to \$5000 if no proof of FR	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 FR	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 FR	Optional	No	Optional if Δ owns vehicle <sup>5</sup>	Optional

## RC 4510.111 - DRIVING UNDER SUSPENSION<sup>3</sup> - 2 POINTS

(for suspension imposed under RC 2151.354, RC 2935.27, RC 3123.58, RC 4301.99, RC 4510.032, RC 4510.22, or RC 4510.33)

Level/No. of Offense (includes RC 4510.11 and 4510.16)	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 <sup>2</sup>	\$0 - \$1,000	No	No	No	No
Third or more in 3 years	M-4	0 - 30 days	\$0 - \$250	No	No	No	No

## 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 <sup>2</sup>	\$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 with 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

<sup>1</sup>Except for a RC 4511.19 offense, no points may be assessed against a person who violates RC 4511.01 to RC 4511.78, or RC 4513.01 to RC 4513.37, while operating a bicycle or electric bicycle. RC 4511.52(B).

<sup>2</sup>Defendant may not be sentenced to jail or community residential sanction. Failure to do community service punishable as indirect criminal contempt under RC 2705.02(A).

<sup>3</sup>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.

<sup>4</sup>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.

<sup>5</sup>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).

**RC 4510.14 - DRIVING UNDER OVI OR ALS SUSPENSION<sup>1</sup> - 6 POINTS**

<i>Level/No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration</i>	<i>Fines</i>	<i>Restitution for loss due to accident</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required<sup>2</sup></i>
First in 6 years	M-1	3 - 180 days jail <sup>3</sup> or 30 - 180 days HAEM. <sup>4</sup>	\$250 - \$1,000	Up to \$5000 if no proof of FR	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 <sup>3</sup> jail or 90 days to 1 year HAEM. <sup>4</sup>	\$500 - \$2,500	Up to \$5000 if no proof of FR	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. <sup>3</sup> No HAEM. <sup>4</sup>	\$500 - \$2,500	Up to \$5000 if no proof of FR	Mandatory	No	Mandatory if Δ owns vehicle <sup>5</sup>	Optional if Δ owns vehicle

**RC 4510.16 - DRIVING UNDER FRA SUSPENSION/CANCELLATION/NONPAYMENT JUDGMENT<sup>1</sup> - 2 POINTS**

<i>Level/No. of Offense (includes RC 4510.11 and 4510.111)</i>	<i>Degree of Offense</i>	<i>Incarceration/Community Service</i>	<i>Fines</i>	<i>Restitution for loss due to accident</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required</i>
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service <sup>7</sup>	\$0 - \$1,000	Up to \$5000 if no proof of FR	No	No	No	No
Third or more in 3 years	M-4	0 - 30 days	\$0 - \$250	Up to \$5000 if no proof of FR	No	No	No	No

**RC 4510.21 - FAILURE TO REINSTATE LICENSE<sup>1</sup> - 2 POINTS**

<i>Level/No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration/Community Service</i>	<i>Fines</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required<sup>2</sup></i>
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service <sup>7</sup>	\$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**

<i>Level/No. of Offense</i>	<i>Degree of Offense</i>	<i>Incarceration/Community Service</i>	<i>Fines</i>	<i>Class 7 Suspension (≤ 1 year)</i>	<i>Immobilization</i>	<i>Forfeiture</i>	<i>Impound Plates Required<sup>2</sup></i>
First in 3 years: RC 4511.203(A)(1),(2) or (3)	Unclassified misdemeanor	0 - 500 hours community service <sup>7</sup>	\$0 - \$1,000	Optional	Optional 30 days	No	Optional 30 days
RC 4511.203(A)(4) or (5) <sup>8</sup>	M-1	0-180 days					
Second in 3 years: RC 4511.203(A)(1),(2) or (3)	Unclassified misdemeanor	0 - 500 hours community service <sup>7</sup>	\$0 - \$1,000	Optional	Optional 60 days	No	Optional 60 days
RC 4511.203(A)(4) or (5) <sup>8</sup>	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 <sup>5</sup>	Optional

<sup>1</sup>It is an affirmative defense that the accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. RC 4510.04.  
<sup>2</sup>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.  
<sup>3</sup>A court located within a county served by board establishing an alternative sentencing center may sentence an “eligible offender” to center for OVI and/or driving under an OVI suspension. RC 307.932(A)(2).  
<sup>4</sup>HAEM means house arrest with electronic monitoring. Within 60 days, court must issue finding of lack of jail space. RC 4510.14(C).  
<sup>5</sup>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).  
<sup>7</sup>Defendant may not be sentenced to jail term or community residential sanction. Failure to do community service may be punished as indirect criminal contempt. RC 2705.02(A).  
<sup>6</sup>Penalties are increased where the offender knows or has reasonable cause to believe the other person’s act of driving would violate RC 4511.19 or RC 4503.235.

**LIMITED DRIVING PRIVILEGES**

- **Court-Imposed Suspensions:** *A court may grant limited driving privileges except for:*
  1. Any part of a class 2 suspension for a felony conviction, or during the first 3 years of a class 1 suspension for a second misdemeanor offense, imposed for failure to comply with an order or signal of a police officer. RC 2921.331(E).
  2. The “hard-time” of OVI or OVUAC. 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)(1)(c).
  5. The operation of a commercial vehicle by person with suspended driver’s license or CDL or a 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 violation: with FR and enrollment in a RC 4510.10 reinstatement fee payment plan.
    - b. Second violation within 1 yr: with FR and compliance with RC 4509.101(A)(5); no privileges allowable for first 15 days. RC 4509.101(A)(2)(b).
    - c. Third violation within 1 yr: with FR and compliance with RC 4509.101(A)(5); no privileges allowable for first 30 days. 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. Class D suspensions of Ohio license for OVI and/or drug convictions from other state or federal court. R.C. 4510.17(E).
  6. After “hard-time” of ALS is served. RC 4511.197 and RC 4510.13.
- **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. Attending court proceeding relating to offense for which suspension was imposed. RC 4510.021(A)(4).
  5. Transporting child to child-care provider, day-care, preschool, school, or any other location for purposes of receiving childcare. RC 4510.021(A)(5).
  6. Any other purpose the court determines to be appropriate. RC 4510.021(A)(6).
  7. For juveniles, practice driving with parent, guardian, or custodian in the seat beside the juvenile. RC 4510.021(D).