

OHIO DRIVER'S LICENSE LAW

POINTS FORMULA - RC 4510.036(C) ¹	
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.)
Willful fleeing or eluding of law enforcement officer	TWO POINTS
Failure of driver to stop and disclose identity at scene of accident	Exceeding speed limit of 55 or higher by more 10 mph but less than 30 mph
Driving under a 12-point, OVI, or ALS suspension	Exceeding speed limit of less than 55 mph by 5 mph but less than 30 mph
Operation of vehicle 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)	Violation of RC 4510.11 (DUS or in violation of license restriction);
Any felony motor vehicle violation or any felony committed with a motor vehicle	RC 4510.111, (DUS); RC 4510.16 (Driving under FRA suspension)
FOUR POINTS	RC 4510.21 (Failure to Reinstate)
Operation of vehicle after underage consumption	Driving while using electronic wireless communication device (1st in 2 yrs.)
Operation in willful or wanton disregard of safety of persons or property	All other moving violations
Exceeding speed limit by 30 mph or more	ZERO POINTS
Driving while using electronic wireless communication device (3rd within 2 yrs.)	Operating motor vehicle or motorcycle without a valid license

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 ²	\$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 SUSPENSION³ - 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 RESTRICTION³ - 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 ⁴
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 ⁵	Optional

RC 4510.111 - DRIVING UNDER SUSPENSION³ - 2 POINTS

(for suspension imposed under RC 2151.354, RC 2151.87, RC 2935.27, RC 3123.58, RC 4301.99, RC 4510.032, RC 4510.22, or RC 4510.33)

Level/No. of Offense (includes prior 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 ²	\$0 - \$1,000	No	No	No	No
Third 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 ²	\$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

¹Except 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).

²Defendant may not be sentenced to jail or community residential sanction. Failure to do community service may be punished as indirect criminal contempt. RC 2705.02(A).

³It 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.

⁴The 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.

⁵If 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 SUSPENSION¹ - 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 ³ or 30 - 180 days HAEM. ⁴	\$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 ³ jail or 90 days to 1 year HAEM. ⁴	\$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. ³ No HAEM. ⁴	\$500 - \$2,500	Up to \$5000 if no proof of Δ's FRA	Mandatory	No	Mandatory if Δ owns vehicle ⁵	Optional if Δ owns vehicle

RC 4510.16 - DRIVING UNDER FRA SUSPENSION/CANCELLATION/NONPAYMENT JUDGMENT¹ - 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
First or second in 3 years	Unclassified misdemeanor	0 - 500 hours community service ⁷	\$0 - \$1,000	Up to \$5000 if no proof of Δ's FRA	No	No	No	No
Third in 3 years	M-4	0 - 30 days	\$0 - \$250	Up to \$5000 if no proof of Δ's FRA	No	No	No	No

RC 4510.21 - FAILURE TO REINSTATE LICENSE¹ - 2 POINTS

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

¹It 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.

²The 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.

³A 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).

⁴HAEM means house arrest with electronic monitoring. Within 60 days, court must issue finding of lack of jail space. RC 4510.14(C).

⁵If 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).

⁷Defendant 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).

⁸Penalties 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, 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)(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 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 under.
 - b. **Second violation within 5 yrs:** 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 5 yrs:** 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. 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. 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).
 5. For juveniles, practice driving with parent, guardian, or custodian in the seat beside the juvenile. RC 4510.021(D).