

Eighth Edition

Judge Deborah J. Nicastro

Robert G. Walton, Esq.

OHIO DRIVER'S LICENSE REINSTATEMENT HANDBOOK

A Practical Guide for Attorneys

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About the Authors

Judge Deborah J. Nicastro has served as a Garfield Heights Municipal Court Judge since 1994 and currently serves as the Presiding and Administrative Judge of the Court.

She has taught continuing legal education for many organizations, including the Ohio Judicial College, the Cleveland Metropolitan Bar Association, and the Cleveland-Marshall College of Law CLE Program. Judge Nicastro is the founder and coordinator of the Kiwanis Annual Continuing Legal Education Program for municipal court practitioners.

Judge Nicastro is the Past Chair of the Judicial Administration and Practice Committee of the Association of Municipal/County Judges of Ohio and continues to write and edit revisions to the ***AMCJO Municipal Court Bench Book***.

Judge Nicastro co-founded the License Reinstatement Clinic with Robert Walton, Esq. and in partnership with the Cleveland Marshall College of Law Pro Bono Clinic and the Legal Aid Society of Cleveland, conducts volunteer License Reinstatement Clinics in Cuyahoga County, Ohio.

Judge Nicastro has been awarded the Association of Municipal and County Judges of Ohio President's Award for Judicial Excellence, the Kiwanis Walter Heller Fellowship Award, the Freedom Award from the American Nationalities Movement, the Public Service Award from the Cleveland Italian American Heritage Committee, the Kiwanis Hixson Award, Kiwanian of the Year, and Columbian of the Year from the Federation of Italian American Societies.

A graduate of the Case Western Reserve School of Law, Judge Nicastro actively practiced law from 1979 to 1993, specializing in areas such as criminal defense and prosecution, real estate law, commercial contracts, taxation, civil rights, and municipal law.

Robert G. Walton served as an acting judge in the Shaker Heights Municipal Court for 25 years. He is an adjunct professor at the Cleveland State Law School, where he teaches trial advocacy. He graduated from Cleveland-Marshall College of Law and has been in private practice since 1983. Mr. Walton has conducted cross-examination of witnesses during more than 200 suppression hearings and successfully defended clients in many jury trials. For the past 25 years, the focus of Mr. Walton's practice has been defending persons charged with alcohol and drug-related vehicular crimes. During that time, he has frequently taught OVI law, Driving under Suspension law, Reinstatement of License law, and Misdemeanor Practice at CLE seminars sponsored by Cleveland-Marshall College of Law, the Ohio Judicial College, the Cleveland Legal Aid Society, and several bar associations. He was named University Heights Volunteer of the Year in 2008 and University Heights Citizen of the Year in 2013.

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CHAPTER ONE: INTRODUCTION

Introduction

In January 2025, the Ohio Bureau of Motor Vehicles (“BMV”) reported that 162,387 people had a license suspension for any reason. Millions of dollars are owed in reinstatement fees.

Scope of This Handbook

The purpose of this Handbook is to assist practitioners in understanding Ohio's license suspension law and reinstating driver's licenses that have been suspended, cancelled, or forfeited by an Ohio court or the Ohio Bureau of Motor Vehicles. This Eighth Edition reviews only the major suspensions. Many other court suspensions are possible but are not as frequent as those discussed herein. The scope does not include strategies for trial or sentencing of drivers charged with traffic offenses.

This Handbook is not a substitute for skilled legal research. The reader will find that the statutory provisions that govern the reinstatement of licenses can be confusing, conflicting, and illogical. A thorough study of these provisions and relevant case law is necessary for a complete understanding of the available alternatives. Thus, this Handbook may provide quick answers to simple questions in many instances, but in other cases, it will serve as a starting point for further research on more complex issues.

On September 6, 2016, this Handbook was cited as authority by Judge Stuart A. Friedman on a licensing issue in ***State v. Traci M. Philpott***, Cuyahoga County Common Pleas Case No. CR 602053. Practitioners may be able to rely on this decision to use this Handbook as authority in license-related matters.

Other Resources

As the agency responsible for driver's licensing, the Ohio Bureau of Motor Vehicles (BMV) has developed helpful materials that provide practitioners with insight into its policies and procedures. To the extent that you believe these policies and procedures are accurate, they will also guide you in the task of reinstating a license. If you believe them to be inaccurate at times, you will at least understand the BMV's perspective.

The BMV also has online resources that explain the information contained in the above-referenced manual at <http://www.bmv.ohio.gov/suspensions-reinstatements.aspx>

Obtaining the Suspension Record

The first step in reinstating a license is to determine the reasons for the suspension. The driver may visit a BMV office to obtain a printout that lists all pending impediments to reinstatement and outlines the requirements for reinstatement.

The BMV also provides the same information online, but the driver must know their social security number, driver's license number, ID card number, or the number from a suspension notice.

CHAPTER TWO: GENERAL PRINCIPLES

Commonly Used Words and Terms

"License" typically refers to a driver's license, a probationary license (issued to individuals between 16 and 18 years of age), a restricted license (issued to individuals subject to conditions imposed by the BMV), and a commercial license (issued to individuals who operate commercial motor vehicles).

"Suspension" refers to the withdrawal, by action of a court or the BMV, of a license or non-resident operating privilege for a specific period or until certain conditions are met. See RC § 4510.01(H). A suspension may be lifted, but the person cannot restore full driving privileges until the reinstatement conditions are met.

"Court Suspension" generally means a suspension that a court elects (optional) or is required (mandatory) to impose under a conviction for an offense. Most court suspensions are based on a numerical class system (1 through 7). The sentencing provisions for an offense designate whether suspension is an available sanction and, whether it is optional (may), or mandatory (shall), and the applicable class. Each class has a minimum and maximum range from which the court imposes a definite period of suspension. See RC §4510.02(A).

"BMV Suspension" generally refers to a suspension that the BMV is required to impose under an applicable statute. Most BMV suspensions arise from circumstances unrelated to a conviction. The statute that requires a suspension specifies its length, based on an alphabetical class system (A through F). BMV suspensions are for a precise period or "until conditions are met." See RC § 4510.02 (B).

"Unclassified Suspension" means that the statute that provides for the suspension does not refer to a class. Rather, the statute states the length of the suspension. Except as otherwise provided in such statutes, a suspension imposed thereunder is subject to RC Chapter 4510, which deals primarily with suspensions and driving privileges. See RC § 4510.02(D). OVI conviction suspensions are unclassified, but physical control and OVUAC conviction suspensions are classified.

"Reinstatement Requirement" generally refers to the requirements that drivers must meet after the suspension is over, but before their driving privileges may be fully restored. Some suspensions involve numerous reinstatement requirements. Some, but not all, requirements may include paying a reinstatement fee, completing a remedial driving course, passing a comprehensive driver's examination, showing proof of financial responsibility, filing and maintaining proof of financial responsibility for a designated period, obtaining a release of a warrant block or license forfeiture, and paying past-due child support.

"Proof of Financial Responsibility" [See RC §4509.01(K)] means proof of the ability to respond in damages for liability arising from accidents occurring after the effective date of such proof, and on account of the ownership or use of a motor vehicle, in the amount of...

1. \$25,000.00 because of bodily injury to or death of one person in an accident.
2. \$50,000.00 because of bodily injury to or death of two or more persons in an accident.
3. \$25,000.00 because of injury to the property of others in an accident.

"Accident" means any accident involving a motor vehicle which results in bodily injury to or death of any person, or damage to the property of any person in excess of \$400.00. See RC §4509.01(J).

Statutory Classes of Suspensions

A Court or the BMV imposes license suspensions under statutory authority. Courts do not have the inherent authority to suspend a driver's license in the absence of statutory authority. In most cases, the Ohio Revised Code defines the length of suspensions by classes.

CLASSES OF COURT-IMPOSED SUSPENSIONS – RC §4510.02(A)

Class One:	Life
Class Two:	3 years to Life
Class Three:	2 years to 10 years
Class Four:	1 year to 5 years
Class Five:	6 months to 3 years
Class Six:	3 months to 2 years
Class Seven:	Not to exceed 1 year
Unclassified:	Set by statute

Some court-imposed suspensions are optional, depending on the court's discretion, while others are mandatory. A court must impose a mandatory suspension for a definite period within the range specified above. The statute for each offense specifies the class of suspension and whether the suspension is mandatory or optional.

A few court suspensions are unclassified, e.g., OVI suspensions. The statute itself, rather than referring to §4510.02(A) and identifying a class thereunder, specifies the period of suspension.

Classes of BMV Imposed Suspensions – RC §4510.02(B)

Class A:	3 years
Class B:	2 years
Class C:	1 year
Class D:	6 months
Class E:	3 months
Class F:	Until conditions are met

BMV-imposed suspensions are mandatory, and the period of suspension is not left to the agency's discretion. The BMV will impose the required period of suspension from the classes described above. The Class F suspension is the only suspension that is indefinite in duration, as it is solely dependent on the driver taking the necessary steps to meet all the conditions required for reinstatement.

Conflicting Statutory Provisions

Vigilance is required to understand the laws applicable to suspensions and reinstatement, and to advise drivers seeking reinstatement properly. Some of these laws are conflicting and require integration and analysis to determine the actual reinstatement requirements and whether a driver is subjected to an erroneous reinstatement requirement.

Keep in mind RC §2901.04(A), which provides, in relevant part, that “sections of the Revised Code defining...penalties shall be strictly construed against the state and liberally construed in favor of the accused.”

For example, it is sometimes difficult to determine for what period a driver must file and maintain proof of financial responsibility with the BMV after suspension of a license. If a driver is convicted of Operating a Vehicle after Underage Consumption, the court must impose a Class 6 suspension under RC §4511.19(H), and pursuant to RC §4510.038, the driver must file and maintain proof of financial responsibility in accordance with RC §4509.45. However, RC §4509.45(B) designates the length of time that a driver must file and maintain proof while under a BMV-imposed Class A through F suspension, only. It makes no provision for classified and unclassified court-imposed Class 1 through 7 suspensions. As RC §4509.45 (B) gives no guidance as to how long the OVUAC offender should have to file and maintain proof under a Class 6 suspension, the practitioner is left to speculate, and the driver is left to the interpretation of the BMV as to how it will implement the conflicting statutes. In this case, the BMV informs drivers that they must "provide evidence of liability insurance currently in effect."

CASE LAW-AUTHORITY TO SUSPEND A DRIVER'S LICENSE

State v. Knowlton, Fourth Dist., Washington County, 2012-Ohio-2350

Three statutes prohibit failing to stop after an accident (hit skip). Knowlton was charged under RC §4549.03, the least serious of the hit-skip statutes. It requires the driver of a car involved in an accident resulting in damage to real property, or personal property attached to real property, legally upon or adjacent to a road or highway, to immediately stop and take certain actions to locate or notify the owner or person in charge of the property of the accident.

Knowlton was convicted, and the judge suspended his license. He appealed. The appellate court interpreted the relevant statutes, RC §4549.03 and RC §2929.27(A)(13). The legislature has designated which offenses it deems worthy of a license suspension by providing in various offense statutes that a court must impose a license suspension (mandatory) or may impose a license suspension (discretionary). Nothing in RC §4549.03 authorizes a court to suspend the license of a person who violates that section. As to RC §2929.27(A)(13), a court imposing sentence for a misdemeanor may impose a nonresidential sanction, including, if authorized by law, suspension of the offender's privilege to operate a motor vehicle. In Knowlton's case, a suspension of his license was not authorized by the law, and the appellate court vacated the license suspension that was imposed for failure to stop.

State v. Smith, First Dist., Hamilton County, 2014-Ohio-4548

Smith was convicted of tampering with evidence, and the court imposed a driver's license suspension as part of his sentence. Smith appealed the sentence on the basis that the suspension was not an authorized penalty for the offense.

The court of appeals agreed with Smith. Initially, it stated that "Crimes are statutory, as are the penalties therefor, and the only sentence which a trial court may impose is that provided for by the statute." In this case, no statute authorized the court to impose the suspension. The court vacated the suspension portion of Smith's sentence as being void.

CASE LAW- GENERAL VERSUS SPECIFIC RESTITUTION STATUTES

State v. Board, Ninth Dist., Lorain County, 2021-Ohio-92

Board was convicted of failure to stop after an accident and driving under suspension. One of the grounds for his appeal of his sentence was that the court erred in ordering him to pay restitution of almost \$28,000.00. He contended that each of the statutes under which he was convicted limited restitution to \$5,000.00.

The court of appeals reviewed the relevant statutes. The statutes under which he was convicted state in relevant part that if the offender does not provide the court with proof of financial responsibility the court may order restitution in an amount not exceeding \$5,000.00 for any economic loss rising from the accident that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense.

On the other hand, the felony (RC §2929.18(A)(1)) and misdemeanor (RC §2929.28(A)(1)) restitution statutes allow courts to order restitution in an amount not to exceed the economic loss suffered by the victim as a direct and proximate result of the commission of the offense.

Based on its determination that the two sets of statutes govern distinct types of economic loss, the court said it is unclear from the plain language of the statutes whether the legislature intended awards of restitution under the offense statutes to supplant awards of restitution under the general sentencing statutes. According to the court, the differences between the two sets of statutes beg the question of whether they operate independently of each other or, if not, whether an offender may choose which statute applies by either providing or withholding proof of financial responsibility.

The trial court never considered the issues set forth by the appellate court. The court of appeals reversed the trial court and remanded the case with instructions that the trial court must consider the applicability and intersection of the two sets of statutes.

“Failure to Reinstate” Status

The status of a license between the expiration of all suspension periods and compliance with all reinstatement requirements is commonly referred to as “failure to reinstate.” The license is not suspended because the periods of all suspensions have expired. However, the license is not reinstated until all reinstatement requirements are met, such as payment of reinstatement fees and showing proof of financial responsibility.

The penalties for driving under the “failure to reinstate” status may be less onerous than for driving under suspension. For instance, if a driver is convicted of driving under an OVI suspension, the sentence includes mandatory jail time, another license suspension, and the assessment of 6 points. The sentence for the driver convicted of driving with a “Failure to Reinstate” status after expiration of a suspension period does not include jail, absent multiple prior convictions, allows an optional license suspension, and is a two-point offense.

If a license status is “failure to reinstate,” but the driver complies with all BMV reinstatement requirements except payment of all reinstatement fees owed in the minimum amount of \$150.00, the driver may apply to the BMV for a driver’s license with a reinstatement fee payment plan.

RELEVANT CASE LAW

State v. Hale, 3d Dist. Mercer County, 2023-Ohio-980

A 12-point suspension ends upon the completion of the period of the suspension. To reinstate a license upon completion of the suspension, all reinstatement requirements applicable to the suspension must be satisfied. After the suspension period ends but before the reinstatement requirements are met, the license status is failure to reinstate. Under the above circumstances, the proper charge is failure to reinstate, not driving under suspension.

State v. Lewis, 11th Dist. Ashtabula County, 2019-Ohio-1946

To convict a person for failure to reinstate, the state must prove a violation of RC 4510.21(A); no person whose driver’s license has been suspended shall operate any motor vehicle after the suspension has expired unless the person has complied with all reinstatement requirements.

Reinstatement Fees and Payment Plans - RC §4510.10

Whether a court or the BMV imposes a license suspension, a reinstatement fee is typically assessed by the BMV under statutory directives. These fees are to be paid to the BMV.

Currently, the BMV may not reinstate a license until the driver has paid all reinstatement fees; the fees are discharged in bankruptcy, a court orders a reinstatement fee payment plan or extension of time to pay the fee, or the driver enters a reinstatement fee payment plan directly with the BMV. Reinstatement fees may be discharged in bankruptcy if they are listed in the schedule of debts.

COURT-ORDERED REINSTATEMENT FEE PAYMENT PLAN

A driver may petition for, and a municipal or county court may grant a payment plan or extension for the payment of the reinstatement fees if it determines that the driver cannot reasonably pay the fees. The court may order the driver to pay no less than \$50 per month to the BMV until all fees are paid in full or grant an extension to pay all reinstatement fees for a period not to exceed 180 days. A court has jurisdiction and authority to modify payment plans. A driver may not be prosecuted for failing to pay reinstatement fees if an order grants a reinstatement fee plan or extension.

For practical purposes, the court should only grant a reinstatement fee payment plan if it is granting limited driving privileges, as the BMV is required to grant the reinstatement fee payment plan if there are no impediments to reinstating the license other than the outstanding fees.

Instead of imposing a statutory reinstatement fee payment plan, the court may authorize the offender to perform community service, specifying no number of hours. Upon completion of community service, the court is required to provide documentation that the driver may file with the BMV when seeking to reinstate a license. We suggest that a better practice is a court order documenting completion and directing the BMV to suspend the reinstatement fee.

The court is authorized to grant community service in a “pending case involving an offender that cannot reasonably pay reinstatement fees due and owing by the offender relative to one or more suspensions that have been or will be imposed by the (BMV) or a by a court.... RC §4510.10(C).

BMV REINSTATEMENT FEE PAYMENT PLAN

Under RC §4510.10 (G) and rules adopted by the Registrar, a driver may apply directly to the BMV for a BMV Reinstatement Fee Installment Plan (BMV Plan).

To be eligible for the BMV Plan, a driver must meet all the eligibility requirements, as follows:

- owes at least \$150.00 in reinstatement fees.
- has met all reinstatement requirements except for paying the fees.
- does not have a pending suspension.
- has current proof of financial responsibility.
- is not currently on a court-ordered reinstatement fee payment plan.

An application may be made online at OHIOBMV.gov or in person at a Reinstatement or Deputy Registrar office. BMV Form 1152 must be completed, and that Form is available online at the above address. If

approved, the driver will receive notice, and their license status will be listed as "valid," "expired," or "cleared to retest," as applicable. If denied, the BMV will provide a notice indicating the reasons.

The minimum monthly payment under the BMV Plan is \$50.00. If a driver misses a payment, the Plan will become inactive, and the license status will revert to "failure to reinstate." If a driver makes a \$50.00 payment after the Plan becomes inactive, it will be reactivated once the payment has been applied to the BMV record.

If a driver is currently on a court-ordered reinstatement fee payment plan, a termination order must be obtained from the court and submitted to the BMV before applying for the BMV Plan.

The significant difference between a court-ordered plan and the BMV Plan is that under the BMV Plan, the Registrar will record a driver's license status as "valid," "expired," or "eligible to test" if the payments are current and the driver does not receive another suspension. In contrast, with a court-ordered plan, the Registrar records the driver's status as "failure to reinstate" with limited driving privileges. The primary benefit of the BMV Plan is that the driver will have a valid license (or "expired" or "eligible to test," as applicable) during compliance with the Plan. Thus, if the driver achieves "failure to reinstate" status, they should not apply to the court for a payment plan but instead apply directly to the BMV.

PERMANENT DRIVER'S LICENSE REINSTATEMENT FEE DEBT REDUCTION AND AMNESTY PROGRAM-RC §§4510.101-4510.108

The Permanent Driver's License Reinstatement Fee Debt Reduction and Amnesty Program ("Program") is in addition to any other statutory reinstatement fee payment plan. The Program is divided into two phases depending on the date of the offenses for which reinstatement fees are owed.

EXCLUSIONS

Excluded from the Program are any offenses in which an essential element of the offense, the basis of the charge, or any underlying offense involves alcohol, a drug of abuse, a combination thereof, or a deadly weapon. "Deadly weapon" has the same meaning as in RC §2923.11. "Drug of abuse" has the same meaning as in RC §4511.181. Additionally, commercial license-related fees are excluded.

ELIGIBLE OFFENSES

Reinstatement fees resulting from the below list of eligible offenses qualify for the Program.

- 2151.354- Juvenile unruly delinquent adjudication
- 2152.19- Juvenile delinquent adjudication
- 2152.21- Juvenile traffic offender
- 2913.02- Theft of gas from a gas station
- 4507.20- Incompetent to be licensed
- 4509.101- Non-compliance suspension
- 4509.17- Security suspension
- 4509.24- Default in payment agreement after accident
- 4509.40- judgment suspension
- 4510.037- 12-point suspension
- 4510.05- Suspension for violation of municipal ordinance similar to state code
- 4510.06- Federal court suspension/cancellation
- 4510.15- Reckless operation suspension
- 4510.22- Failure to appear or pay fine forfeiture
- 4510.23- Adjudication of incompetence to be licensed
- 4510.31- Juvenile probationary, restricted license, or temporary permit
- 4510.32- School drop-out suspension
- 4511.203- Wrongful entrustment suspension
- 4511.205- Juvenile use of electronic devices while driving suspension
- 4511.251- Street racing suspension
- 4511.75- Failure to stop for a school bus suspension
- 4549.02- Failure to stop after an accident on public roads suspension
- 4549.021- Failure to stop after an accident on other than public roads suspensions
- 5743.99- Trafficking cigarettes and/or distribution of tobacco to avoid tax suspensions

DEBT REDUCTION V. AMNESTY

The Program directs complete amnesty from payment of reinstatement fees for indigent drivers, but only debt reduction for non-indigent drivers. The debt reduction and amnesty relief are the same for both Phase 1 and Phase 2.

If the driver is not indigent, the debt reduction is as follows:

- If the driver has multiple eligible offenses, they must pay the lowest reinstatement fee or 10% of the total fees owed, whichever is greater.
- If the driver has only one eligible offense, they must pay one-half of the reinstatement fee.

If the driver is indigent, the driver is granted complete amnesty.

INDIGENCY DEFINITION - RC§4510.101(F)

"Indigent" means a person who is a participant in any of the following programs:

- (1) The supplemental nutrition assistance program administered by the Department of Job and Family Services pursuant to RC §5101.54;
- (2) The Medicaid program pursuant to RC Chapter 5163;
- (3) The Ohio Works First program, administered by the Department of Job and Family Services, pursuant to RC §5107.10;
- (4) The Supplemental Security Income program, pursuant to 20 C.F.R. § 416.1100.

REINSTATEMENT FEE PAYMENT PLAN FOR THE UNPAID BALANCE

If the driver owes reinstatement fees for excluded or ineligible offenses, such as OVI, or is unable to pay the reinstatement fee in one lump sum despite application of debt reduction or amnesty, the BMV must grant a reinstatement fee payment plan with a minimum payment of \$25.00 per month.

QUALIFYING FOR PHASE ONE OF DEBT REDUCTION OR AMNESTY

Non-indigent drivers qualify for Phase 1 of the Program if

- Any eligible offenses occurred before 09/15/2020. Restatement fees for offenses occurring after 09/15/2020 may not be included in the debt reduction calculation.
- At least 18 months have expired since the end of any period of suspension ordered by a court for at least one suspension.
- The driver is not indigent.

Indigent drivers qualify for Phase 1 of the Program if

- Any eligible offenses occurred before 09/15/2020. Restatement fees for offenses occurring after 09/15/2020 may not be included in the amnesty.
- The driver is indigent.

The Program does not affect any court-ordered suspension. The driver is not required to have completed the term of the court-ordered suspension before being admitted to the Phase 1 Program, but must complete any suspension ordered by the court.

QUALIFYING FOR PHASE TWO OF DEBT REDUCTION OR AMNESTY

Non-indigent drivers qualify for Phase 2 of the Program if

- The driver is not eligible for Phase 1 and has not participated in Phase 1 or Phase 2.
- Eligible offenses occurred after 09/15/2020.
- At least 18 months have expired since the end of any period of suspension ordered by a court for at least one suspension.
- The driver is not indigent.

Indigent drivers qualify for Phase 2 of the Program if

- The driver is not eligible for Phase 1 and has not participated in Phase 1 or Phase 2.
- Any eligible offenses occurred before 09/15/2020.
- The driver is indigent.

Any driver who has received either a reduction or complete amnesty of reinstatement fees under Phase 2 is not eligible for a subsequent reduction or complete amnesty of reinstatement fees through the Program.

Limitations on Phase 2

- **ONE-TIME OPPORTUNITY:** A driver who has received either a reduction or complete amnesty of reinstatement fees under Phase 2 is not eligible for a subsequent reduction or complete amnesty of reinstatement fees through the program.
- An eligible offense that occurred before 09/15/2020 may not be included in Phase 2.
- No eligible offense that is committed on or after the date a driver becomes enrolled in the Program is eligible for the relief granted by the Program.

The Program does not affect any court-ordered suspension. Participants in Phase 2 must complete any court-ordered suspension.

ACCESSING THE PROGRAM

The BMV is responsible for notifying all eligible drivers who qualify for the Program and the actions required to be taken. The BMV is authorized to search for current drivers' addresses for notification. Additionally, the BMV is authorized to remove deceased persons from its database.

If a driver does not receive notification of eligibility from the BMV but believes he/she qualifies for either Phase of the Program, the driver may apply to the BMV to be admitted to the Program.

Proof of Financial Responsibility - RC §4509.01(K) and RC §4509.16

Proof of financial responsibility is required to operate a motor vehicle in Ohio. But providing proof of financial responsibility to the BMV is a significant reinstatement requirement for most suspensions.

Proof of financial responsibility may be demonstrated by providing a copy of the declaration page from a liability insurance policy, a certificate of insurance, a financial responsibility identification card issued by an insurance company, a binder of liability insurance bearing the original signature of an authorized insurance agent, a bond, or a certificate of self-insurance. [RC §4509.45(B)]

Proof must indicate current coverage, and if submitted before the end of the suspension, it must cover the suspension's end date. Additionally, the name of the person suspended must be listed as an insured on the policy or some other insurance documentation, such as the declaration page or the liability bond.

Proof of financial responsibility may be given through the use of an electronic wireless communication device.

If a driver is required to file and maintain proof of financial responsibility with the BMV, the most recognized form of proof is the SR-22 certificate, which is a BMV form completed by an insurance agent, filed with the BMV, and carried by the driver. The SR-22 certificate is frequently, but incorrectly, referred to as an "SR-22 bond." It is not a bond but merely a document that proves that the driver has the mandatory minimum coverage in Ohio.

In addition to providing proof of financial responsibility to the BMV, a driver may be under a statutory duty to file and maintain that proof for a definite period after the suspension of the license to avoid another BMV-imposed suspension. Hence, a difference exists between the requirements of showing proof of financial responsibility to the BMV and filing and maintaining proof of financial responsibility with the BMV.

Proof must be filed and maintained for one year from the BMV imposition of some class A through F suspensions. Where proof is required to be filed AND maintained, an electronic wireless communication device cannot be used to prove financial responsibility.

For example, when an OVI conviction suspension expires, a driver must show proof of financial responsibility to the BMV. In contrast, when a non-compliance suspension is imposed, a driver must file and maintain proof of financial responsibility with the BMV for a statutorily prescribed period. If the driver successfully files and maintains proof, the license status is described as "in compliance."

If coverage is cancelled during the period when proof must be filed and maintained, the license status reverts to "suspended" status until new proof is filed. Insurance companies are required to inform the BMV of the cancellation of coverage during this period. If the driver operates a motor vehicle during the "suspended" status, he or she will be charged with driving under a financial responsibility suspension.

Impact of Vehicle Immobilization and Vehicle Forfeiture on License Reinstatement - RC §§4503.233, 4503.234

As a sanction for a conviction of driving under some suspensions and wrongful entrustment, the court has the option to order the immobilization (RC §4503.233), or in some cases, forfeiture (§4503.234) of the offender-owned vehicle. Immobilization or forfeiture is mandatory for some OVI offenses and driving under an OVI suspension. If a vehicle is forfeited, the offender's ability to register a vehicle is blocked for 5 years (RC §4503.234).

The imposition of these sanctions, including the 5-year registration block, commonly referred to as a "Q" block, has no impact upon the reinstatement of a suspended license except that the offender is required to pay the \$100 immobilization/ forfeiture fee to the BMV before the offender can qualify for reinstatement.

Impact of the Ohio Points System on Reinstatement of Licenses – RC §4510.036

Points as designated in RC §4510.036 must be imposed upon conviction for certain offenses. In recognition of the license suspension problem in Ohio, the legislature reduced the points for most driving under suspension offenses effective September 23, 2011.

Limited Driving Privileges During Suspensions - RC §4510.021

A court may grant limited driving privileges during a court-imposed suspension unless expressly prohibited by statute. [RC §4510.021(A)]

In contrast, a court may not grant limited driving privileges during any BMV-imposed suspension unless expressly authorized by statute. If driving privileges are permitted for a BMV suspension, the driver may file a petition in a court of record in the county where they reside under RC §4510.021(B) or in a petition under RC §4510.73. The exception is driving privileges for an Administrative License Suspension (ALS), which must be sought from the court in which the underlying OVI charge is pending.

The Court is required to specify the purposes, times, and places of the privileges and, in its discretion, may impose any other reasonable conditions.

Limited driving privileges may be granted, where authorized, for the following purposes:

- occupational, educational, vocational, or medical purposes
- taking the driver's license exam
- attending court-ordered treatment
- any other purpose the court determines to be appropriate.
- attending any court proceeding related to the offense for which the offender's suspension was imposed.
- transporting a minor to a childcare provider, day-care, preschool, school, or any other location for purposes of receiving childcare
- where the driver is under the age of 18, practicing driving with the driver's parent, guardian, or other custodian who holds a valid license and occupies the seat next to the driver.

Some suspensions carry a "hard time" period during which the court may not grant driving privileges. [RC §4510.13] A court cannot give limited driving privileges to an eligible driver absent proof of current financial responsibility.

If driving privileges are granted, the court may be required to order that the vehicle be operated with restricted plates or a disabling device such as an ignition interlock. If the restricted plates and disabling device are not mandatory, the court generally has the discretion to impose those requirements. [RC §4510.021(C)]

The offender must obtain a restricted license from the BMV if granted limited driving privileges with an ignition interlock device as follows [RC §4510.13]:

1. The court must send a certified copy of the driving privileges order to the BMV.
2. The offender shall present to the BMV.
 - a. The court order granting driving privileges.
 - b. A certificate signed by the installer affirming that a certified ignition interlock device is installed in their vehicle.
3. The BMV will issue a license that states that the offender is prohibited from operating a vehicle without being equipped with an ignition interlock device. The BMV may not issue the restricted license if the offender has other suspensions for which limited driving privileges have not been granted.

4. If the offender operates a vehicle without obtaining the restricted license, the offender is subject to the same penalties as driving under an OVI suspension under RC §4510.14. This is a strict liability offense, and RC §2901.20 does not apply.

Some basic prerequisites for limited driving privileges are required by statute. The minimum statutory requirements are as follows:

1. Serve “hard time” portion of suspension, if any.
2. Pay the court filing fee.
3. Obtain a court order granting privileges.
4. Must have an unexpired license.
5. Must comply with all other suspensions and reinstatement requirements.
6. Provide proof of financial responsibility to the court and file and maintain proof with the BMV for a specific period if required by statute.

CASE LAW- VALIDITY OF DRIVING PRIVILEGES

City of Lakewood v. Armstrong, Eighth Dist., Cuyahoga County, 2014-Ohio-4219

A municipal court found Armstrong guilty of DUS after a bench trial, despite evidence that another court had granted him driving privileges with an IID, which stated, “May drive 7 days per week/24 hours per day,” concerning the suspension. The court found that order to be contrary to law and void, apparently because it did not contain any restrictions regarding purposes, times, and places.

Armstrong appealed. The court of appeals stated in part that Armstrong cannot be convicted of driving under suspension after he produced his privileges from one municipal court based solely on another municipal court’s opinion that the privileges are invalid. The appellate court reversed and vacated the conviction.

Unlimited Driving Privileges for First Time OVI Offender – RC §4510.022

Effective April 6, 2017, a driver whose license is suspended due to a conviction for operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of both for the first time within ten years is eligible for unlimited driving privileges.

“Unlimited driving privileges” means there are no restrictions as to purpose, time, or place, but the suspending court...

- Has discretion to impose other reasonable conditions.
- MUST require operation with a certified ignition interlock device and “restricted license.”

Unlimited driving privileges with a certified ignition interlock device may only be granted if driving privileges are initially permitted by statute. The “hard time” period during which the court may not grant driving privileges still applies to unlimited driving privileges.

Unlimited driving privileges are not available pretrial and may only be granted upon conviction by the court imposing the suspension.

The court may reduce the period of suspension by half if the individual is granted unlimited driving privileges.

The court must suspend the jail term it imposed if unlimited privileges are granted, but if the offender violates any condition of the order during the period of suspension, the court shall require the offender to serve the jail term. The court may still impose the 72-hour driver intervention program as part of community control sanctions.

The court must assess a \$2.50 fee to be deposited into the state highway safety fund, which will be used to maintain the habitual OVI/OMWI registry. The court may assess an additional \$2.50 to be deposited into the court’s special project fund.

There are severe penalties for an “ignition interlock device violation,” which means that a certified ignition interlock device indicates that it has prevented an offender from starting a motor vehicle, because of either of the following [RC §4510.46]:

- The device was tampered with or circumvented.
- The analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the ignition interlock device from permitting the motor vehicle to be started.

If the court grants unlimited driving privileges, the court must provide the offender with the following:

1. A certified order granting unlimited driving privileges.
2. A notice stating that he/she is subject to the following sanctions for violating the ignition interlock device requirement.

- a. For a first violation, the court may order the offender to wear a remote alcohol monitoring device that provides continuous monitoring.
- b. For a second violation, the court shall order the offender to wear a remote alcohol monitoring device for 40 days.
- c. For a third and subsequent violation, the court shall order the offender to wear a remote alcohol monitoring device for 60 days.
- d. For any ignition interlock device violation or operation of a vehicle without the required ignition interlock device, the court may increase the period of license suspension and the period for use of the certified ignition interlock device by a factor of two. However, the increase may not exceed the maximum suspension or period for use of the interlock device permitted for the offense, i.e., 3 years.
- e. If the violation occurs within 60 days of the end of the suspension and the court does not increase the suspension, the court shall
- f. Extend the period of suspension and the period for use of the ignition interlock for 60 days from the date of the violation.
- g. If a violation occurs after the 60-day extension is ordered, enter another order extending the suspension and the period for use of the ignition interlock by 60 days from the date of the violation.
- h. The BMV is prohibited from reinstating the offender's license unless the period of suspension has been served and no ignition interlock device violations have occurred within 60 days preceding the reinstatement application.

The offender may appeal any extension of the period of suspension or use of the ignition interlock as follows [RC §4510.46]:

1. The ignition interlock monitor is required to notify the court and the BMV of any alleged violation.
2. Upon receipt of the monitor's notice, the court must send a notice to the offender as follows.
 - a. The court has received evidence of an ignition interlock violation.
 - b. If applicable, the offender must now wear a remote alcohol monitoring device that provides continuous monitoring.
 - c. The court may increase the period of suspension by a factor of two and may increase the period for using the ignition interlock device by a factor of two, and whether, in fact, the court is increasing the suspension and the time for use of the device.
 - d. Whether the court is increasing the period of suspension by 60 days if the alleged violation is within 60 days of the termination of the suspension
3. The offender has 14 days from receiving the violation notice; if the appeal is filed later than 14 days, it is considered untimely.
4. The court may hold a hearing on the appeal, but the hearing is limited to "determining whether the offender in fact was prevented from starting a motor vehicle...because the offender committed an ignition interlock device violation."
5. If the court finds by a preponderance of evidence that a violation occurred, the appeal will be denied. If the court finds no violation, the order increasing the suspension will be terminated.
6. Nothing in this statute prevents the court from revoking driving privileges that have been granted.

The offender must obtain a restricted license from the BMV if granted unlimited driving privileges with an ignition interlock device as follows:

1. The court must send a certified copy of the driving privileges order to the BMV.
2. The offender shall present to the BMV.
 - a. The court order granting unlimited driving privileges.
 - b. A certificate signed by the installer affirming that a certified ignition interlock device is installed in their vehicle.
3. The BMV will issue a license that states that the offender is prohibited from operating a vehicle without being equipped with an ignition interlock device. The BMV may not issue the restricted license if the offender has other suspensions for which limited driving privileges have not been granted.
4. If the offender operates a vehicle without obtaining the restricted license, the offender is subject to the same penalties as driving under an OVI suspension under RC §4510.14. This is a strict liability offense, and RC §2901.20 does not apply.

Administrative Review and Appeals

RC §119.06 provides the right to a hearing before the suspension of a driver's license by the Registrar. RC Chapter 119 provides for the review mechanism, including notice of suspension and right to a hearing, unless another provision of the Ohio Revised Code provides for a different procedure. An example of a different procedure is the 12-point suspension where RC §4510.037 provides for a direct appeal to the municipal or county court rather than an adjudicatory hearing before the Registrar or any litigation in a court pursuant to RC §4510.73.

RC §119.062 expressly provides also that the Registrar is not required to hold any prior hearing in connection with an order canceling or suspending a motor vehicle driver's or commercial driver's license under sections 2903.06, 2903.08, 2907.24, 2921.331, 4549.02, 4549.021, or 5743.99 or any provision of Chapter 2925, 4509, 4510, or 4511 of the Revised Code or in connection with an out-of-service order issued under Chapter 4506 of the Revised Code.

RC §119.12 provides that any party adversely affected by the final action of the Registrar in connection with a driver's license may appeal the decision to the Court of Common Pleas.

Multiple Forums – RC §4510.73

As the practitioner begins to study the morass of available administrative appeals and hearings for BMV-imposed suspensions, forfeitures, and blocks, as well as the multitude of court suspensions, they will find that a single driver may be involved in multiple forums and multiple time-consuming proceedings to avoid or clear suspensions.

To partially address the multiplicity of forums, RC §4510.73 provides that any court shall have concurrent jurisdiction to "adjudicate all issues and appeals," including validity and suspension issues as well as driving privileges under a BMV-imposed suspension, notwithstanding any provision of the RC to the contrary. Thus, courts may now hear any appeal or conduct any hearing that was formerly within the sole jurisdiction of the BMV or restricted to certain courts. Once the jurisdiction of a court is invoked, that jurisdiction cannot be divested unless the court consents to a transfer of jurisdiction by issuance of a court order.

To facilitate court proceedings, a court may stay any suspension and may order the BMV to renew an expired license, if the expiration was for less than six months, pending resolution of any issue.

RC §4510.73 does not authorize a court to do any of the following:

1. Waive or alter a reinstatement requirement, including reinstatement fees.
2. Modify an order from another court, resulting in a suspension, forfeiture, or block.
3. Exceed the scope of an appeal or administrative hearing prescribed by statute or the administrative code.

Two express restrictions on the courts' authority under RC §4510.73 are as follows:

1. A court may not hear any matter involving a Commercial Driver's License disqualification. The court may address other issues related to the holder of such a License, but may not alter the status of the Commercial Driver's License.
2. A court may not unilaterally assume jurisdiction of all matters about a suspended license. The court's jurisdiction must be invoked by a "holder of a driver's license" through a motion, appeal, or petition that expressly states the issue to be determined by the court.

Note that jurisdiction may only be invoked by a "holder of a driver's license," according to RC §4510.73. Presumably, persons who have never been issued a license may not invoke the jurisdiction of a court to adjudicate issues regarding suspensions that prevent them from applying for a license.

In *State v. McPhillamy*, 2012 Ohio 3612 (6th District August 10, 2012), the Court of Appeals held that the municipal court retained jurisdiction to hear an appeal of an administrative license suspension (ALS) after the felony OVI was bound over to common pleas court under RC §4510.73.

CASE LAW- LAW-LITIGATING DRIVER'S LICENSE ISSUES UNDER RC §4510.73

State v. Caskey, Sixth Dist., Lucas County, 2018-Ohio-116

Caskey filed a petition in a municipal court seeking to vacate a non-compliance suspension and a security suspension resulting from an accident he caused while uninsured.

The state filed a motion to dismiss, arguing that the court lacked subject matter jurisdiction over the issue of the suspensions. The state cited RC §119.12(A)(1), which provides that “any party adversely affected by an order of an agency. . .suspending a license. . .may appeal the order. . .to the court of common pleas of the county in which . . .the licensee is a resident.”

The trial court granted the state’s motion to dismiss, and Caskey appealed. The court of appeals correctly stated that RC §4510.73 was enacted after RC §119.12, and the grant of concurrent jurisdiction thereunder (to adjudicate all issues and appeals regarding non-commercial driver’s license matters) applies “notwithstanding any provision of the Revised Code to the contrary.”

The appeals court determined that the trial court erred in concluding it lacked subject matter jurisdiction over the appellant’s RC §4510.73 petition and reversed the judgment of dismissal.

CHAPTER THREE: OVI AND DRUG-RELATED SUSPENSIONS

Operating A Vehicle Under the Influence Suspension - RC §4511.19

A court must impose an OVI suspension when a person is convicted of operating a vehicle under the influence of alcohol, a drug of abuse, or a combination of them, in violation of RC §4511.19(A)(1) or RC §4511.19(A)(2). The April 9, 2025 amendments made the following changes to the existing suspension. The physical control conviction must be under RC §4511.194 and not a similar ordinance. The reinstatement fee is reduced to \$315.00.

No OVI conviction in the past 10 years

1-3 year suspension

No prior physical control conviction under RC §4511.194 lifetime

15 days hard time, and the court may waive the hard time

No prior OVI conviction in the past 10 years

1-3 year suspension

1 prior physical control under conviction RC §4511.194 in the past 10 years

45 days hard time

Interlock mandatory

1 prior OVI conviction in the past 10 years

1-7 year suspension

45 days hard time

Interlock mandatory if alcohol related

2 prior OVI convictions in the past 10 years

2-12-year suspension

180 days hard time

Interlock mandatory if alcohol related

REINSTATEMENT REQUIREMENTS

1. Show proof of financial responsibility to the BMV
2. Pay the reinstatement fee.
3. Serve the period of suspension.

CASE LAW - TERMINATION OF SUSPENSION IN EXCESS OF 15 YEARS

State v. Kimpel, Sixth Dist., Williams County, 2020-Ohio-1158

Under the law as it existed before the classification of court-imposed license suspensions upon conviction, Kimpel's driver's license was suspended for life due to his aggravated vehicular homicide conviction. In that matter, he was also convicted of OVI.

Years later, and under the authority of *State v. Manocchio*, 138 Ohio St.3d 292, 2014-Ohio-292, Kimpel sought limited driving privileges, and they were granted.

In 2019, Kimpel filed a motion to terminate the suspension under RC §4510.54. The trial court denied the motion, and Kimpel appealed.

The court of appeals began its analysis by noting the distinction between statutory authority to grant limited privileges during a suspension (RC §4510.021 and related statutes) and statutory authority to terminate a suspension exceeding 15 years (RC §4510.54).

The court then reviewed everything that a person must demonstrate for a court to consider granting the termination of a license suspension under RC §4510.54. Important to an understanding of the statute is that the person seeking termination must meet all the requirements contained in RC §4510.54 to establish eligibility. Further, the requirements differ depending on whether the suspension was imposed for a felony or a misdemeanor, but in both instances, if the suspension was imposed because the person was "under the influence or at or over the limit," there are additional requirements. One of the additional requirements applicable to that circumstance is that the person has not been found guilty of any alcohol or drug offense for the past 15 years.

The Court of Appeals found that Kimpel failed to demonstrate that he met all the eligibility conditions and affirmed the lower court's judgment.

Administrative License Suspension (Positive Test or Refusal) - RC §4511.191 (B) & (C)

The arresting officer, on behalf of the BMV, imposes an Administrative License Suspension at the time of arrest for OVI or OVUAC when the driver refuses to take the chemical test or takes it and has an alcohol concentration in their whole blood of 0.08%, blood serum or plasma of 0.096%, breath of 0.08%, or in their urine of 0.11 grams.

The arresting officer, on behalf of the BMV, imposes an Administrative License Suspension at the time of arrest for physical control when the driver refuses to take the test. If the driver takes the chemical test, **no** Administrative License Suspension is imposed. RC §4511.191(C)(1).

The effective time and date of the suspension is when the arresting police officer seizes the driver's license and issues a BMV Form 2255, *Report of Law Enforcement Officer Administrative License Suspension*, but the suspension appears on the driver's record when the BMV receives Form 2255 and enters it in the computer system. RC §4511.191(D)(1).

SUSPENSION FOR REFUSAL TO TAKE THE TEST

No prior OVI conviction or refusal in past 10 years

1 year suspension

No prior physical control conviction under RC §4511.194 in past 10 years

30 days hard time

Interlock discretionary

No prior OVI conviction or refusal in past 10 years

1 year suspension

1 prior physical control conviction under RC §4511.194 in past 10 years

90 days hard time

Interlock mandatory

Combination of 1 prior OVI conviction or refusal in past 10 years

2 year suspension

90 days hard time

Interlock mandatory if alcohol related

Combination of 2 prior OVI convictions or refusals in past 10 years

3 year suspension

1 year hard time

Interlock mandatory if alcohol related

Combination of 3 prior OVI convictions or refusals in past 10 years

5 year suspension

3 years hard time

Interlock mandatory if alcohol related

SUSPENSION FOR A FAILED CHEMICAL TEST

No prior OVI conviction in past 10 years
90 day suspension
No prior physical control conviction under RC §4511.194 in lifetime
15 days hard time and court can waive hard time

No prior OVI conviction in past 10 years
90 day suspension
Prior physical control suspension under RC §4511.194 in past 10 years
45 days hard time
Interlock mandatory

1 prior OVI conviction in past 10 years
1 year suspension
45 days hard time
Interlock mandatory if alcohol related

2 prior OVI convictions past 10 years
2 year suspension
180 days hard time
Interlock mandatory if alcohol related

3 prior OVI convictions in past 10 years
3 year suspension
No privileges

ADMINISTRATIVE LICENSE SUSPENSION TERMINATION

Refusal Suspension: The refusal suspension terminates upon a guilty or no contest plea resulting in a conviction for OVI or OVUAC. A finding of not guilty does not result in a termination of the refusal suspension. RC §4511.191(D)(1). Thus, a refusal suspension will continue beyond the termination of the underlying OVI case if the driver is found not guilty of the OVI offense.

Failed Test Suspension: The failed test suspension terminates upon a guilty or no-contest plea resulting in a conviction for OVI or OVUAC or a finding of not guilty. RC §4511.197(D) Thus, even if the driver fails the test, the suspension terminates with the conviction for or dismissal of the OVI charge.

The court may terminate the administrative license suspension as part of a plea agreement with the prosecutor, and the driver will not be required to pay the reinstatement fee. The court may submit BMV Form 2261 to the BMV for this purpose.

REINSTATEMENT REQUIREMENTS

1. Show proof of financial responsibility to the BMV.
2. Serve the period of suspension.
3. Pay the \$315.00 Reinstatement fee. If the driver is convicted of the OVI offense, the driver pays only one reinstatement fee for both the Administrative License Suspension and the OVI suspension. RC §4511.191(F)(3)

APPEAL PROCESS

1. The driver may appeal the suspension at the initial court appearance, which is held within five business days of the arrest or issuance of the citation; however, the appeal must be made within 30 days after the initial appearance. RC §4511.197
2. The suspension is not automatically stayed during the appeal without a court order staying the suspension. The court has the authority to stay the suspension. *State v. Hochhausler*, 77 Ohio St. 3rd 455 (1996).
3. The court may grant limited driving privileges after the expiration of the waiting period, commonly referred to as the "hard time," during the suspension.

Cautionary Note- if an OVI arrestee is not placed under an Administrative License Suspension or successfully appeals the Administrative License Suspension, the court has the discretion to impose a pretrial suspension under RC §4511.196. The pretrial suspension remains in effect until the OVI case is determined on the merits, but there is no waiting period for limited driving privileges.

DRIVING PRIVILEGES UNDER ALS

An ALS is a BMV suspension. RC 4511.191. A court has the authority to grant LDPs during an ALS (in most circumstances) after the hard time is served. RC 4510.13. However, those LDPs can only be exercised during the ALS. When the period of the ALS is over, the LDPs are no longer valid, as the license status goes to failure to reinstate. If a person's ALS ends while an OVI case is pending, he or she should fulfill the attendant reinstatement requirements upon the end of the suspension. Such action will prevent a charge of failure to reinstate and restore the license to valid status pending the disposition of the case.

ALS CASE LAW

ALS APPEAL – RIGHT TO EVIDENTIARY HEARING

State v. Mancini, Eleventh Dist. Trumbull County, 2020-Ohio-990

Mancini appealed his ALS in the trial court, which arose out of his OVI arrest and refusal to submit to a chemical test. At a pretrial, the court stayed the ALS. Later, the court dismissed all the charges as a sanction for a discovery violation. Since an ALS for a refusal is not terminated upon a dismissal or acquittal of an underlying OVI charge, the court denied defense counsel's request that it be terminated. Counsel then asked the court for an evidentiary hearing on the appeal. The court would not permit a hearing, and Mancini appealed.

The appellate court stated that the cornerstone of statutory interpretation is legislative intention, and to determine that intent, a court must first look to the language of the statute. If the meaning is

unambiguous and definite, it must be applied as written, and no further interpretation is necessary. The court then cited cases that have considered errors in the imposition or review of an ALS as potential due process violations. In one such case a court of appeals noted that the ALS appeal statute, RC §4511.197, does not expressly set forth a procedure a trial court is to follow in reviewing an appeal for an ALS but the statute clearly provides for an appeal to seek relief from an ALS and an opportunity to be heard is inherent in such an appeal. In *Mancini*, the appeals court agreed that implicit in RC §4511.197 is the right to an evidentiary hearing.

ALS APPEAL – BURDEN OF PROOF

State v. Harding, Seventh Dist., Mahoning County, 2014-Ohio-884

Harding appealed his ALS on the ground that the only evidence before the trial court at the hearing was the BMV Form 2255 and that it did not contain reasonable grounds to believe he was OVI. The relevant portion of the Form stated that the officer smelled an odor of alcohol, saw bloodshot eyes, and heard an admission of drinking. The court denied the appeal.

One of the grounds that a person can raise in support of an ALS Appeal is that the arresting officer lacked reasonable grounds to believe the person was operating a vehicle impaired (OVI). RC §4511.197(C)(1). The sworn BMV Form 2255 is prima facie evidence of its contents. The Appellant has the burden of proving, by a preponderance of the evidence, one or more of the grounds for the appeal.

In Harding's case, the Form did not contain any indication that the officer saw impaired driving, poor coordination, or any other suggestion of impairment. Indicia of alcohol consumption do not, in and of themselves, establish a prima facie case that a driver is OVI. It is not illegal to drive after drinking. A BMV Form 2255, which does not set forth reasonable grounds to believe a person is OVI, is not sufficient to shift the burden of proof to the Appellant. The state could have called the officer to testify to establish a prima facie case. It did not call him.

The court of appeals noted that reasonable grounds, as it relates to an ALS, is more akin to probable cause for an arrest than a mere suspicion to investigate because the police must have probable cause to arrest to invoke implied consent. In *Harding*, the court determined the Form failed to establish reasonable grounds for the OVI arrest. It reversed the trial court's denial of the Appeal.

ALS APPEAL – DUE PROCESS GROUNDS

State v. Ferguson, Sixth Dist., Lucas County, 2017-Ohio-1394

Ferguson appealed his ALS on the basis that the police filed the BMV Form 2255 with the court six days after the citation for OVI was issued. He contended that the failure to file the sworn Form with the court within 48 hours of his arrest violated RC §4511.192(D)(1)(d) and (E) and required the vacation of the ALS. The state countered by arguing that the only grounds for vacating an ALS are those set forth in RC §4511.197.

The court of appeals said that the timely filing of the sworn form is a notice requirement that protects the licensee's interest (and right) in appealing the ALS at the initial appearance. The initial appearance on an OVI must be held within five days of arrest, and the timely filing of the sworn form protects a person's right to a prompt post-suspension review of the ALS. In essence, adherence to the above requirements

allows the licensee to begin the process of judicial review of an officer's actions in imposing the ALS within five days of arrest. The court of appeals noted that the failure to follow the notice requirements contained in the Implied Consent statutes is a violation of due process.

In Ferguson, the court noted that the late filing of the Form deprived the appellant of an opportunity to review and prepare a written appeal for the initial appearance. The court granted the appeal due to a lack of compliance with statutory notice mandates.

As to the state's contention that an ALS appeal is limited to an appellant proving that one of the four conditions listed in RC §4511.197(C) has not been met, the court stated: "the state cannot set forth a statutory scheme to suspend a person's operating privileges, not follow the scheme, and then claim that since such actions are not one of the four issues allowed in an ALS Appeal "... court has no authority to terminate the ALS." In conclusion, the court said that the licensee is relieved of the burden of proving that a condition in RC §4511.197(C) has not been met where the BMV fails to present prima facie proof that the officer complied with all mandates of the statutory scheme.

Physical Control - RC §4511.194

The Court may, but is not required to, impose a physical control suspension when a driver is convicted of being seated in the driver's seat of a vehicle and having possession of the vehicle's ignition key or other ignition device while under the influence of alcohol and/or a drug of abuse.

Applicable RC Section	Class	Limited Driving Privileges	Fee
§4511.194(D)	Optional Class 7- Not to exceed 1 year	Yes No waiting period	\$315 if the court imposes discretionary suspension

REINSTATEMENT REQUIREMENTS, IF THE COURT EXERCISES ITS DISCRETION TO IMPOSE A SUSPENSION

1. Provide proof of financial responsibility to the BMV.
2. Pay the reinstatement fee of \$315.
3. Serve the period of suspension.

Operating Vehicle After Underage Consumption (Under 21) - RC §4511.19(B)

A court must suspend if a person under the age of 21 is convicted of operating a vehicle with a blood alcohol content of .02% or more but less than .08% (“OVUAC”)

If a driver is convicted of OVUAC, the statute requires the court to impose a Class 6 suspension. The driver must then file and maintain proof of financial responsibility in accordance with §4509.45. However, §4509.45(B) designates the length of time that a driver must file and maintain proof while under a BMV-imposed Class A through F suspension. It makes no provision for a court-imposed Class 6 suspension.

As §4509.45(B) provides no guidance on how long the OVUAC offender must file and maintain proof of financial responsibility under a Class 6 suspension, the BMV instructs the driver to present current proof of financial responsibility only.

Applicable RC Section	Class	Limited Driving Privileges	Unlimited Driving Privileges	Fee
§4511.19(B)	Class 6- 90 days to 2 years	Yes After 60 days		\$40

REINSTATEMENT REQUIREMENTS

1. Complete a remedial driving course.
2. Retake a complete driver's license examination.
3. Pay the reinstatement fee.
4. Serve the period of suspension.
5. Show proof of financial responsibility to the BMV.

Aggravated Vehicular Homicide, Vehicular Homicide, And Vehicular Manslaughter – RC §2903.06.

A court must impose a suspension when a person is convicted of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter.

	Applicable RC Section	Class	Limited Driving Privileges	Ignition Interlock	Restricted Plates	Reinstatement Fee
Aggravated Vehicular Homicide – Alcohol or Drugs	§2903.06(B)(2)(d)	Class 1 – Life	Yes No waiting period	Optional	Optional	\$40
Aggravated Vehicular Homicide – Recklessly	§2903.06(B)(3)	Class 2 – 3 Years to Life	Yes No waiting period	Optional	Optional	\$40
Vehicular Homicide - Negligently	§2903.06(C)	Class 4 – 2 Years to 10 Years	Yes No waiting period	Optional	Optional	\$40
Vehicular Manslaughter	§2903.06(D)	Class 6 – 3 Month to 2 Years	Yes No waiting period	Optional	Optional	\$40

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

MODIFICATION OR TERMINATION OF CLASS 1 LIFE SUSPENSION OR CLASS 2 SUSPENSION – RC §4510.54

RC §4510.54 provides for the modification or termination of certain Class 1 and 2 suspensions, but it expressly excludes:

1. Class 1 life suspension for aggravated vehicular homicide committed recklessly in violation of RC §2903.06(A)(2) if the offender was previously convicted of a traffic-related murder, felonious assault, or attempted murder. RC §2903.06(B)(3)

2. Class 1 life suspension or Class 2 suspension in excess of 15 years for aggravated vehicular assault committed as the proximate result of violating RC §4511.19(A) if the offender was previously convicted of vehicular assault, any traffic related homicide, manslaughter or assault offense, or any traffic related murder, felonious assault, or attempted murder. RC §2903.08(B)(2).
3. Class 2 suspension in excess of 15 years for vehicular homicide committed negligently if the offender was previously convicted of a traffic-related murder, felonious assault, or attempted murder. RC §2903.06(C)
4. Class 2 suspension in excess of 15 years for felonious assault committed in violation of RC §2903.11(A)(2) if the deadly weapon used in the commission of the offense is a motor vehicle. RC §2903.11(D)(2)
5. Class 2 suspension in excess of 15 years for attempted aggravated murder or murder if the offender used a motor vehicle as the means to attempt to commit the offense. RC §2923.02 (E)(3)
6. Class 2 suspension in excess of 15 years for aggravated murder or murder if the offender used a motor vehicle as the means to commit the offense. RC §2929.02(D)(1)

PREREQUISITES FOR MODIFICATION OR TERMINATION

The offender must demonstrate the following:

1. Class one suspension for life and class two suspension in excess of fifteen years. A person may file a motion and must demonstrate all of the following:
 - a. If the suspension is the result of a felony, at least fifteen years have elapsed since the suspension began or, if the suspension was under RC 2903.06(B)(2)(e), at least fifteen years have elapsed since the person was released from prison, and, for the past fifteen years the person has not been found guilty of any of the following:
 - i. A felony;
 - ii. a moving violation;
 - iii. A violation of a suspension under RC 4510 or a substantially equivalent ordinance;
 - b. Proof of financial responsibility.
 - c. If the suspension was imposed because the person was under the influence or had a prohibited concentration of alcohol or a drug of abuse in the blood, breath or urine and
 - i. The person successfully completed an alcohol and/or drug treatment program;
 - ii. The person has not abused alcohol or other drugs for a period satisfactory to the court;
 - iii. For the past fifteen years the person has not been found guilty of any alcohol or drug related offense.
2. Misdemeanor Suspensions- If the suspension is the result of a misdemeanor and at least five years have elapsed since it began, the person must demonstrate that for the past five years they have not been found guilty of any of the following:
 - a. A moving violation;
 - b. A violation of RC 2903.06 or RC 2903.08;
 - c. A violation of a suspension under RC 4510 or a substantially equivalent ordinance.

PROCEDURE FOR MODIFICATION OR TERMINATION

1. The offender files a Motion for modification or termination.
2. The court may deny the motion without a hearing, but cannot grant the motion without a hearing.
 - a. If the court denies the motion after a hearing, the court cannot consider a subsequent motion from the offender. The court shall hear only one motion filed by the offender.
 - b. If a hearing is scheduled, the court must conduct it within 90 days from the date of the motion is filed.
 - c. The court must notify the offender and the prosecutor of the time, date, and location of the hearing, and the prosecutor must then notify any victim or victim representative.
3. At the hearing, the court must allow the offender to present oral and written relevant information under oath. The prosecutor and the victim or victim representative shall be given the same opportunity to present information.
4. The court shall consider the offender's driving record, nature of the offense that resulted in the suspension, the impact on the victim, whether the offender committed any other offense while under suspension, and whether the offense is relevant to the determination.
5. The court may modify or terminate the suspension if it finds that to do so is not likely to present a danger to the public.

Note that if a court modifies a license suspension and the driver is subsequently found guilty of any moving violation or of any substantially equivalent municipal ordinance that carries as a possible penalty the suspension of a license, the court may re-impose the Class 1 or other lifetime suspension and the Class 2 suspension.

LIMITED DRIVING PRIVILEGES DO NOT CONSTITUTE A MODIFICATION OF A LIFE SUSPENSION

In *State of Ohio v. Manocchio*, 2012 Ohio 5720 (8th Dist., Dec. 6, 2012), the Court held that an order granting limited driving privileges under RC §4510.13(A) does not constitute a modification of a suspension under RC §4510.54, thereby granting the lower court the authority to grant limited driving privileges during a life suspension, even where 15 years had not elapsed.

State v. Roberts, 6th Dist. Erie County, 2022-Ohio-3772

There are no statutes that prohibit granting limited driving privileges during a lifetime license suspension, so courts have discretion to grant them under RC 4510.021(A). RC 4510.13(C) prohibits a court from suspending any portion of a class one (lifetime) suspension, but granting privileges is not a suspension of a portion of a suspension.

Aggravated Vehicular Assault and Vehicular Assault – RC §2903.08.

A court must suspend when a person is convicted of operating a vehicle and causing serious physical harm to another as a proximate result of violating RC §4511.19(A) (Aggravated Vehicular Assault) or recklessly (Vehicular Assault).

	Applicable RC Section	Class	Limited Driving Privileges	Ignition Interlock	Restricted Plates	Reinstatement Fee
Aggravated Vehicular Assault	§2903.08(B)(2)	Class 3 – 2 Years to 10 Years	Yes No waiting period	Optional	Optional	\$40
Vehicular Assault	§2903.08(C)(2)	Class 4 – 1 Year to 5 Years	Yes No waiting period	Optional	Optional	\$40

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

In-State Drug Offense Suspension - RC §2929.33

A court may, but is not required to, impose a drug conviction suspension when a person is convicted of certain drug offenses under RC Chapter 2925 and a vehicle was used in furtherance of the offense. If the drug conviction is under a municipal ordinance that is substantially similar to a provision of the RC, the court has the option to impose a suspension that does not exceed the length of the state suspension. RC §4510.05 The suspension may not exceed five years. The exception to the forgoing is that if a person pleads guilty or is convicted of an OVI arising out the same circumstances as the drug abuse offense, the suspension is mandatory for up to five years.

Applicable RC Section	Class	Limited Driving Privileges	Fee
§2925.01 <i>et seq.</i>	Unclassified Up to 5 years	Yes No waiting period	\$40 If 90 days or longer

DRUG OFFENSES FOR WHICH A COURT SUSPENSION IS PERMISSIBLE UNDER CHAPTER 2925

- §2925.02 Corrupting Another with Drugs
- §2925.03 Trafficking Offenses
- §2925.04 Illegal Manufacture of Drugs or Cultivation of Marijuana
- §2925.041 Assembly or possession of chemicals used to manufacture a controlled substance with the intent to manufacture a controlled substance
- §2925.05 Funding of drug or marijuana trafficking
- §2925.06 Illegal administration or distribution of anabolic steroids
- §2925.11 Drug possession offenses
- §2925.12 Possessing drug abuse instruments
- §2925.13 Permitting drug abuse
- §2925.14 Use, possession, or sale of drug paraphernalia
- §2925.22 Deception to obtain a dangerous drug
- §2925.23 Illegal processing of drug documents
- §2925.31 Abusing harmful intoxicants
- §2925.32 Trafficking harmful intoxicants, improperly dispensing/distributing nitrous oxide
- §2925.36 Illegal dispensing of drug samples
- §2925.37 Possessing or trafficking in counterfeit controlled substances

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

TERMINATION OF IN STATE DRUG SUSPENSION

Where an in-state drug suspension is imposed, the driver may file a motion to terminate the suspension for good cause with the sentencing court any time after two years from the date the sentence was imposed or the date the offender was released from a jail or prison under the sentence, whichever is later.

TERMINATION OF PRIOR MANDATORY COURT SUSPENSIONS

Before September 13, 2016, the license suspensions under Chapter 2925 offenses were mandatory. Any offender who received a mandatory suspension may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of an OVI violation of RC §4511.19 or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license was suspended may not file such a motion. Upon the filing of a motion to terminate a mandatory suspension, the sentencing court, in its discretion, may terminate the suspension.

Out-of-State OVI or Drug Conviction Suspension – RC §4510.17

The BMV imposes a suspension when an Ohio resident driver pleads guilty to or is convicted of a violation of a statute of any other state or out-of-state local ordinance similar to the OVI and drug offenses listed below, if the license would have been suspended had the driver been convicted in Ohio.

Applicable RC Section	Class	Prior OVI Convictions	Limited Driving Privileges	Fee	Review Process
§4510.17	Class D- 6 months or end of suspension of non-resident operating privileges by other state or federal court, whichever is earlier.	0 in 10 years	OVI -After 15 days Drug-None	\$40	By BMV or Court
		1 in 10 years	OVI-After 45 days Drug-None		

DRUG AND OVI OFFENSES FOR WHICH BMV SUSPENSION IS MANDATORY

- §2925.02 Corrupting Another with Drugs
- §2925.03 Trafficking Offenses
- §2925.04 Illegal Manufacture of Drugs or Cultivation of Marijuana
- §2925.041 Assembly or possession of chemicals used to manufacture a controlled substance with the intent to manufacture controlled substance
- §2925.05 Funding of drug or marijuana trafficking
- §2925.06 Illegal administration or distribution of anabolic steroids
- §2925.11 Drug possession offenses
- §2925.12 Possessing drug abuse instruments
- §2925.13 Permitting drug abuse
- §2925.14 Use, possession, or sale of drug paraphernalia
- §2925.141 Illegal use or possession of marijuana drug paraphernalia
- §2925.22 Deception to obtain a dangerous drug
- §2925.23 Illegal processing of drug documents
- §2925.31 Abusing harmful intoxicants
- §2925.32 Trafficking harmful intoxicants, improperly dispensing/distributing nitrous oxide
- §2925.36 Illegal dispensing of drug samples
- §2925.37 Possessing or trafficking in counterfeit controlled substances
- §4511.19 Operating a vehicle under the influence of alcohol or drugs

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the suspension period.

ADMINISTRATIVE OR CIVIL HEARING

1. A driver may request a hearing in writing within 21 days from the date of the BMV suspension notice.
2. The driver may request a hearing before the Registrar (§4510.17) or court (§4510.73). The hearing must be held within 40 days from the date the petition is filed.
3. The request does not stay the suspension, but the court may stay it.
4. Although RC §4510.17 expressly states that the scope of the hearing is whether the driver pled or was found guilty of the offense, practitioners may consider other important issues that should be raised.

DRIVING PRIVILEGES

1. The driver must serve the hard time required for the OVI conviction.
2. OVI first offenders may apply for unlimited driving privileges with an ignition interlock device.
3. Privileges cannot be granted for employment as a driver of a commercial vehicle.

TERMINATION OF SUSPENSION

The driver may file a motion with the Ohio court requesting termination of the out-of-state drug suspension if it does not arise from an OVI conviction. If the court, in its discretion, determines that a termination of the suspension is appropriate, the court shall issue an order to the Registrar to terminate the suspension. RC §4510.17(F)

Habitual Use of Alcohol/Drugs Suspension - RC §4507.08

The BMV imposes a suspension when a driver is convicted of 3 or more OVI offenses within the immediately preceding 3-year period.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Appeal Process
§4507.08 OAC 4501:1-1-16	Class F - until conditions are met	None	None	To BMV or Court

REINSTATEMENT REQUIREMENTS:

1. Complete a treatment/rehabilitation program approved by the Alcohol and Drug Addiction Services Board after the last conviction.
2. Maintain 6 months of continuous sobriety or freedom from addiction from the date of completion of the treatment program.
3. File BMV Form 2326, *Alcohol/Drug Reinstatement Form*, completed and signed by a physician, psychologist, certified chemical dependency counselor, or national certified chemical dependency counselor attesting to the above with the BMV.

ADMINISTRATIVE OR CIVIL HEARING

1. The driver may request a hearing in writing within 30 days from the date of the BMV suspension notice (§119.07).
2. The driver may request a hearing before the Registrar (§119.06) or the Court (§4510.73).
3. The request for hearing does not stay the suspension, but a court may stay the suspension.
4. The scope of the hearing is to determine whether the suspension was imposed correctly.

CHAPTER FOUR: FINANCIAL RESPONSIBILITY SUSPENSIONS (RC CHAPTER 4509)

Security Suspension – RC §4509.17

The BMV imposes a security suspension if an uninsured driver is in an accident and the driver or vehicle owner fails to deposit security in the amount determined by the BMV to be sufficient to satisfy a judgment for damages resulting from an accident.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Review Process
§4509.17	Class F- until conditions are met	None	None	By the BMV or Court

REINSTATEMENT REQUIREMENTS

Submit any one of the following to the BMV:

1. Release (§4509.21) or agreement signed by both parties (§4509.24) or
2. Security deposit in the amount determined by the BMV up to the statutorily required minimum limits (§4509.12) or
3. Final adjudication of non-liability (§4509.22) or
4. Proof that judgment is paid in full up to statutorily required minimum limits (§4509.22)
5. Satisfactory evidence showing no action for damages has been instituted within two years after the date of the accident (§4509.26)
6. Discharge in bankruptcy with the schedule of creditors showing the accident claim is listed (§4509.22)

ADMINISTRATIVE OR CIVIL HEARING

1. The request for a hearing must be made within 30 days of the mailing of the BMV notice regarding the amount of the security to be deposited.
2. The driver may request a hearing before the Registrar (§4509.13) or Municipal Court (§4510.73)
3. The request for a hearing stays the suspension.

4. The scope of the hearing is to determine any exemptions under RC §4509.19 or to challenge the amount of the deposit required by the Registrar.

EXEMPTIONS FROM A SECURITY SUSPENSION– RC §4509.19

The security deposit requirement does not apply to ...

1. The driver or vehicle owner where no injury or damage was caused to anyone other than the driver or the owner's vehicle.
2. The driver or vehicle owner, if the vehicle was parked legally.
3. The vehicle owner, if the driver was operating or parking the vehicle without the owner's permission.
4. To any police officer who was responding to an emergency and assumed custody of the motor vehicle at the time of the accident.
5. To the driver or owner, if a liability policy or bond was in effect at the time of the accident, except that the driver is not exempt if he or she was operating the vehicle without the owner's permission.
6. To the driver, if they were driving another's vehicle but had a liability policy in effect that covered the driver while operating a vehicle not owned by them.
7. to the driver that is covered by any other form of liability policy or bond.
8. To the driver or vehicle owner, if the vehicle owner was self-insured; however, the driver will not be exempt if they did not have permission to operate the vehicle.
9. To a vehicle owner which is a government agency.

OTHER SECURITY SUSPENSION REMEDY – RC §4509.19 (B)

If the Registrar receives information within six months after an accident that a decision regarding the security deposit was incorrect because of erroneous information, the Registrar is to take corrective action. However, the Registrar is not required to reevaluate the amount of the deposit.

NOTE

The accident report, which triggers the security suspension, must be forwarded to the BMV within 6 months of the accident. RC §4509.06(A)

Non-Compliance Suspension – RC §4509.101

A driver may not operate, and a vehicle owner may not permit the operation of, a motor vehicle without maintaining proof of financial responsibility continuously throughout the registration period of that vehicle. The BMV imposes a suspension for failure to provide proof of financial responsibility, which is in effect at the time...

1. Of a vehicle crash
2. When a driver receives a traffic citation.

	Applicable RC Section	Class	Limited Driving Privileges	Fee	File & Maintain FR	Review Process
1st Suspension	§4509.101 (A)(2)(a)	Class F- Until Compliance	No Need- File SR 22 and Pay Reinstatement Fee	\$40	1 year	To BMV or Court
2nd Suspension within 1 year of violation	§4509.101 (A)(2)(b)	Class C- 1 year	Yes After 15 days	\$300	1 year	
3rd Suspension within 1 year of violation	§4509.101 (A)(2)(c)	Class B- 2 years	Yes After 30 days	\$600	1 year	

REINSTATEMENT REQUIREMENTS

1. File and maintain proof of financial responsibility for the required period with the BMV
 - a. Certificate of insurance or
 - b. Financial responsibility bond or
 - c. A certificate of deposit for money or securities for \$30,000, issued by the BMV upon application and approval.
2. Pay the reinstatement fee.
3. Serve the period of suspension.

ADMINISTRATIVE OR CIVIL HEARING

1. The BMV must receive the request for a hearing, accompanied by a \$30.00 hearing fee, within 10 days of mailing the BMV notice of suspension.
2. The driver may request a hearing before the Registrar (§4509.101) or the Court (§4510.73).
3. The request for hearing does not stay the suspension, but the court may stay it.
4. The scope of the hearing is limited to whether proof of financial responsibility in accordance with RC §4509.101 was demonstrated by the suspended driver or the owner of the vehicle. The vehicle owner may also argue and prove that he or she did not give the driver permission to drive the vehicle.

RELIEF FROM NON-COMPLIANCE SUSPENSION FOR EXCUSABLE NEGLIGENCE RC §4509.101(L)

The BMV may terminate a non-compliance suspension imposed under RC §4509.101 and waive the reinstatement fee and proof of financial responsibility filing requirement if, with or without a hearing, it determines the owner of the vehicle has established by clear and convincing evidence that the owner customarily maintains proof of financial responsibility and proof was not in effect on the date in question due to excusable neglect under circumstances that are not likely to recur.

Judgment Suspension - RC §4509.37

The BMV imposes a judgment suspension when it receives a certified copy of a judgment in a civil action taken as a result of damages and/or injuries arising from ownership, maintenance, or use of a motor vehicle.

Applicable RC Section	Class	Limited Driving Privileges	Fee	File & Maintain FR	Review Process
§4509.37	Class F- until conditions are met Or 7 years if judgment before 1/1/2004	None	None	1 year	None

REINSTATEMENT PROCEDURE

1. File and maintain proof of financial responsibility with the BMV for the required period.
2. Submit proof to BMV of any of the following:
 - a. Judgment satisfied up to statutorily required minimum limits (§4509.40 and §4509.41)
 - b. Creditor's consent in writing that the debtor be allowed a license (§4509.38)
 - c. Court in which judgment rendered approves installment payment plan (§4509.42)
 - d. Petition or notice of discharge in bankruptcy with the schedule of creditors showing the accident claim is listed (§4509.40)

CHAPTER FIVE: MISCELLANEOUS SUSPENSIONS

Wrongful Entrustment Suspension - RC §4511.203

The Court may impose a suspension when a vehicle owner permits a vehicle owned by him or under his control to be driven by another person without a valid license or while under the influence.

Applicable RC Section	Class	Limited Driving Privileges	Fee
§4511.203	Optional Class 7- not to exceed one year	Yes No waiting period	\$40 if the suspension is 90 days or longer

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee, if any.
2. Serve the period of suspension.

Twelve Point Suspension - RC §4510.037

The BMV imposes a suspension when a driver accumulates 12 points within a two-year period.

At any point before accumulating 12 points, a driver who has two or more points may take a remedial driving class and earn a 2-point credit. A person is permitted to receive one 2-point credit in any three years and up to five in a lifetime. However, there is no credit where a court imposes the class as a condition for the return of driving privileges. A 2-point credit does not reduce points but instead allows a person to accumulate 14 points before imposition of the 12-point suspension.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Review Process
§4510.037	Class D 6 months or until compliance	Yes No waiting period	\$40	Appeal to Court

REINSTATEMENT REQUIREMENTS

1. Pass the remedial driving course
2. Re-take the driver's license exam
3. File and maintain proof of financial responsibility.
4. Pay the reinstatement fee.

APPEAL PROCESS

1. The driver must file an appeal within 20 days after the mailing of the notice, i.e., before the effective date of the suspension, and pay court costs. If the driver is under the age of 18, the appeal must be filed in the juvenile court for the county in which the juvenile driver resides.
2. The filing of the appeal stays the imposition of the suspension by the BMV.
3. The scope of the appeal is whether cause can be shown why driving privileges should not be suspended.
4. If the suspension is upheld, the court may grant limited driving privileges.
5. If the court upholds the suspension, it shall impose the applicable suspension under §4510.037 or suspend all or a portion of the suspension and impose any conditions upon the driver that the court considers proper or impose upon the driver a community control sanction according to RC §2929.15 or §2929.25.

License Forfeiture Suspension– RC §4510.22

A court may declare a license forfeiture when a person is charged with violating any of the statutes listed in RC §4510.22 or any substantially equivalent municipal ordinance and fails to appear in court before conviction at the required time and place to answer the charge.

The court notifies the BMV of the forfeiture 30 days after the declaration, which gives the driver 30 days to appear. The court must release the forfeiture upon the driver's appearance.

Applicable RC Section	Class	Limited Driving Privileges	Fee
§4510.22	Class F- until conditions are met	None	\$25

Warrant Block - RC §4507.091

The BMV imposes a block on a driver's record when it receives a report from a clerk of court that an arrest warrant has been issued for the driver. The block prevents the driver from obtaining, renewing, or reinstating a driver's license and from registering a motor vehicle in their name. The warrant block is not a suspension, so a driver may still have a valid driver's license after the block is imposed. A driver may not be charged with driving under suspension based on a warrant block alone.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Review Process
RC §4507.091	None, as no suspension is imposed	Not applicable	\$15	None

REMOVAL REQUIREMENTS

1. Pay the reinstatement fee.
2. File a release from the court issuing the warrant with the BMV.

Indefinite Medical Suspension - RC §4507.20

The BMV imposes a suspension when, in the opinion of the Registrar, a driver is afflicted with or suffering from a physical or mental disability or disease that prevents him/her from exercising reasonable and ordinary control over a vehicle. Before imposing the suspension, the Registrar notifies the driver that they will be required to submit to a physical examination, a driver's license examination, or both. An unfavorable examination or refusal to submit to the examination will also result in the suspension, although the Registrar may impose license restrictions instead of a suspension.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Review Process
§4507.20	Class F- until conditions are met	None	None	To BMV or Court

REINSTATEMENT REQUIREMENTS

BMV can order one or both of the following:

1. File a satisfactory physician's report AND/OR
2. Pass the driver's license examination.

ADMINISTRATIVE OR CIVIL HEARING

1. The driver may request a hearing in writing within 30 days of the date of the notice of suspension.
2. The driver may request the hearing before the Registrar (§119.06) or Municipal Court (§4510.73).
3. The request does not stay the suspension, but the court may stay it.
4. The scope of the hearing is whether the suspension or restrictions are medically warranted.

OTHER RELIEF

The suspended driver may apply for a restricted license for a period of 6 months if a physician reports that the medical condition resulting in the suspension is under control. (§4507.08)

Violation of Restriction Suspension - RC §4507.14

The BMV imposes a suspension when it receives notice that a driver has violated a license restriction, such as corrective lenses, mechanical control devices, daylight driving only, etc., relating to the ability to operate a vehicle.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Review Process
§4507.14	Class D - 6 months	None	\$40	By BMV or court

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

PRE-SUSPENSION ADMINISTRATIVE HEARING

1. The driver may request a hearing within 30 days of the date of the suspension notice.
2. The driver may request a hearing before the Registrar (§119.06) or the Court (§4510.73).
3. The suspension does not take effect until after the hearing or the expiration of the period for requesting the hearing.

Child Support Suspension - RC §3123.55

The BMV imposes the suspension when it receives notice from a Child Support Enforcement Agency that a driver defaulted on a child support order.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Review Process
§3123.55	Class F- until conditions are met	Yes- No waiting period.	\$25	None

REINSTATEMENT REQUIREMENTS

1. Obtain a release from the Child Support Enforcement Agency
2. Pay the reinstatement fee.

LIMITED DRIVING PRIVILEGES

RC §3123.58(B)(1) authorizes a court to grant limited driving privileges under RC §4510.021(B).

The driver must provide a recent, non-certified copy of the driver's abstract from the Registrar.

The court must request the Child Support Enforcement Agency to advise the court as to its position on the request for driving privileges before granting privileges, although the Agency's position does not bind the court.

If driving privileges are granted, the court shall issue a permit card to the driver. If the person granted limited driving privileges is convicted of any violation of Chapter 4510, the privileges are immediately suspended pending a reinstatement hearing.

Reckless Operation Suspension - RC §4510.15

The court may impose a suspension when a person is convicted of operating a vehicle in violation of a state or local code relating to reckless operation.

Applicable RC Section	Class	Limited Driving Privileges	Fee
§4510.15	Optional Class 5-6 months to 3 years	Yes No waiting period	\$40

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

Leaving the Scene After an Accident (Hit-Skip) Suspension – RC §4549.02 & §4549.021

A court must impose a suspension when a person is convicted of “Hit-Skip,” in violation of RC §4549.02 or RC §4549.021.

	Applicable RC Section	Class	Limited Driving Privileges	Ignition Interlock	Restricted Plates	Reinstatement Fee
Accident on Public Road or Highway	§4549.02(B)	Class 5 – 6 Months to 3 Years	Yes No Waiting Period	Optional	Optional	\$40
Accident on Public or Private Property other than Public Road or Highway	§4549.021(B)	Class 5 – 6 Months to 3 Years	Yes No Waiting Period	Optional	Optional	\$40

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

Failure to Comply with Order or Signal of Police Officer and Fleeing or Eluding Police Officer Suspension – RC §2921.331

A court must impose a suspension when a person is convicted of failing to comply with a lawful order or direction of an officer invested with authority to direct and regulate traffic or willfully fleeing or evading a police officer in violation of RC §2921.331.

	Applicable Section	Class	Limited Driving Privileges	Ignition Interlock	Restricted Plates	Reinstatement Fee
Failure to Comply with Order	§ 2921.331(E)	Class 5 – 6 Months to 3 Years	Yes No waiting period	Optional	Optional	\$40
Fleeing or Eluding Felony	§ 2921.331(E)	Class 2 – 3 Years to Life	No	No	No	\$40

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

Juvenile Driver Suspension – RC §4510.31

The Registrar must suspend the license of any person who has been convicted of, pleaded guilty to, or been adjudicated in juvenile court as having committed one of a series of offenses before the person's 18th birthday.

	Applicable RC Section	Class	Limited Driving Privileges	Reinstatement Fee
Unruly Child with a Drug Abuse Offense	§4510.31(B)	Class D – 6 Months	Yes – No waiting period. May be granted to practice driving with a parent or guardian.	\$40
Suspension for Two Moving Violations	§4510.31(A)(1)(c)	Class E – 3 Months	Yes – No waiting period. May be granted to practice driving with a parent or guardian. May also be granted upon petition for employment, education, vocational training, or treatment.	\$40
Suspension for Three Moving Violations	§4510.31(A)(1)(a)	Class C – 1 Year	Yes – No waiting period. May be granted to practice driving with a parent or guardian. May also be granted upon petition for employment, education, vocational training, or treatment.	\$40
Suspension for Juvenile OVI	§4510.31(A)(1)(b)	Class D – 6 Months	Yes – No waiting period. May be granted to practice driving with a parent or guardian.	\$40

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.
3. Obtain a temporary license.
4. Take a juvenile driver improvement program.
5. Pass the Driver's License Examination

JUDICIAL RELIEF FROM JUVENILE SUSPENSION – RC §4510.31(C)(2)(A)

When a juvenile has been adjudicated to have committed two or three traffic violations, the court in which the juvenile has been adjudicated to have committed the second or third violation may order the Registrar to waive the suspension. The court may do so only if all the following are satisfied:

1. The driver submits a petition requesting a waiver of the suspension to the court before the sentence or order of disposition is imposed. The petition must describe why the suspension would seriously affect the person's ability to continue employment, education, vocational training, or treatment.
2. The driver submits proof to the court before the sentence or disposition, showing that he or she has completed an advanced juvenile driver improvement program after the person committed the second or third violation; and
3. The court finds reasonable cause to believe the suspension would seriously affect the person's ability to continue employment, education, vocational training, or treatment.

If the sentence is for a third moving violation, a waiver of the suspension may only be granted if the person did not petition for a waiver of suspension after the second offense, and the court did not order the waiver of the suspension for the second violation.

If the court elects to order a waiver of suspension, it will immediately send written notice to the Registrar, and the Registrar shall not suspend the person's license.

CHAPTER SIX: INTERSTATE SUSPENSIONS

Non-Resident Violator Compact Suspension - RC §4510.71, Article IV

The BMV imposes a suspension when an out-of-state court notifies the BMV that an Ohio-licensed driver has an outstanding traffic ticket.

In *State v. Hutchings*, 2013 Ohio 5432, the Court of Appeals held that an Ohio Court may suspend a driver's nonresident driving privileges but may not confiscate the driver's Michigan license. Michigan is not a member of the Violator Compact.

Applicable RC Section	Class	Limited Driving Privileges	Fee	Review Process
§4510.71	Class F- until conditions are met	None	\$40	To BMV or Court

REINSTATEMENT REQUIREMENTS

1. Comply with the requirements of the out-of-state court.
2. Obtain a release from the out-of-state court and file with the BMV.
3. Pay the reinstatement fee.

ADMINISTRATIVE OR CIVIL HEARING

1. The driver may request a hearing in writing within 30 days from the date of the suspension notice.
2. The driver may request the hearing before the Registrar (§119.06) or Municipal Court (§4510.73).
3. The request for a hearing stays the suspension.

Driver License Compact Suspension Due to Certain Out-of-State Convictions - RC §4510.61, Article IV

The BMV imposes a suspension when it receives notice from another state that an Ohio driver was convicted of a traffic violation in the non-resident state. For suspension, revocation, or limitation of the driver's license, the BMV will give the same effect to the conviction as it would if the conviction had occurred in Ohio.

REINSTATEMENT REQUIREMENTS

The reinstatement requirements will depend on the nature of the conviction.

ADMINISTRATIVE OR CIVIL HEARING

The availability of and procedure for reviewing the imposition of a suspension by the BMV depend on the nature of the conviction.

National Driver Registry or Driver's License Compact Block RC §4510.61, Article V

The BMV imposes a block when a driver is applying for or renewing an Ohio license and is under suspension in another state or holds a license in another state that is suspended. The block is triggered when the BMV processes a driver through the Problem Drivers Pointer System, formerly through the National Driver Registry.

The BMV searches the Pointer System when...

1. A person is requesting an Ohio driver's license for the first time and is over 18 years of age.
2. A person is renewing an Ohio driver's license.
2. An Ohio driver is being retested due to reinstatement requirements.
3. An out-of-state, licensed driver applies for an Ohio license.

Applicable RC Section	Limited Driving Privileges	Fee	Review Process
§4510.61 Article V	None	\$40	Appeal to Court under §4507.08 or §4510.73

REINSTATEMENT REQUIREMENTS

1. Pay the BMV fee
2. File a clearance letter from the other state with the BMV
3. The Pointer System's license status is converted to "ELIGIBLE."

APPEAL PROCESS UNDER RC §4507.08(D)(5) AND §4510.73

1. When the BMV denies an application for a license, the driver may file a petition in the municipal court where they reside.
2. The scope of the appeal is whether the conduct involved in the out-of-state offense would have resulted in a suspension had the offense occurred in Ohio.
3. If the appeal is successful, the BMV will process the license application upon receipt of a certified judgment entry from the municipal court.
4. An appeal under RC §4510.73 to avoid multiple forums.

CHAPTER SEVEN: COURT SUSPENSIONS UPON CONVICTION FOR DRIVING UNDER VARIOUS TYPES OF SUSPENSION

Operating Under Suspension or in Violation of a License Restriction (Catch All - Other than under RC Chapter 4509, §4510.111 and §4510.16) - RC §4510.11.

The court may impose a suspension if a driver is convicted of operating a vehicle in violation of any license restriction or while under any suspension other than a financial responsibility suspension imposed under RC Chapter 4509, RC §4510.111, and RC §4510.16.

Applicable RC Section	Class	Limited Driving Privileges	Reinstatement Fee
§4510.11	Optional Class 7- Not to exceed one year	Yes No waiting period	\$40.00 if suspended 90 days or longer

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

Operating Under OVI Suspension - RC §4510.14

The court must impose a suspension when a person is convicted of operating a vehicle under an OVI suspension (§4511.19 and §4510.07), an Administrative License Suspension (§4511.191), or a judicial pretrial suspension (§4511.196).

Applicable RC Section	Class	Limited Driving Privileges	Fee
§4510.14	Mandatory Class 7- Not to exceed 1 year	Yes No Waiting Period	\$40.00 if the suspension is 90 days or longer

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee.
2. Serve the period of suspension.

Operating with Expired License - RC §4510.12

The court may impose a suspension when a person is convicted of operating a vehicle with an expired license if it is at least the second offense within three years and the license is expired for more than six months.

	Applicable RC Section	Class	Limited Driving Privileges	Fee
1 or more priors in 3 years & expired for >6 months	§4510.12	Optional Class 7- up to 1 year	Yes No waiting period	\$40 if the suspension is for 90 days or longer

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee, if any
2. Serve the period of suspension.

Driving While Failing to Reinstate a License - RC §4510.21

A court may impose a suspension when a driver is convicted of operating a vehicle after a period of suspension has expired, but the person has failed to comply with all reinstatement requirements imposed by law, resulting in a "failure to reinstate" status.

Applicable RC Section	Class	Limited Driving Privileges	Reinstatement Fee
§4510.21	Optional Class 7 – Not to exceed 1 year	Yes No waiting period	\$40.00 if suspension is 90 days or longer

REINSTATEMENT REQUIREMENTS

1. Pay the reinstatement fee, if any
2. Serve the period of suspension.

CHAPTER EIGHT: COMMERCIAL DRIVER'S LICENSE

Commercial Driver's License Disqualifications RC §4506.16

A commercial driver's license may be suspended for any reason that other forms of driver's licenses may be suspended. If a driver's commercial driver's license is suspended, he or she may not apply for or receive another form of driver's license. RC §4506.16(K). Further, no court may grant limited driving privileges for the operation of a commercial vehicle to a driver whose driver's license or commercial driver's license is suspended or who has been disqualified. RC §4506.161.

In addition to suspensions, however, a commercial driver's license may be subject to disqualification under RC §4506.16. The BMV will "disqualify a holder of a commercial driver's license...from operating a commercial motor vehicle" upon a first conviction for a violation of any provision of divisions (A)(2) to (12) of RC §4506.15. As of the most recent amendment of RC §4506.16 on January 27, 2012, a conviction for OVI under RC §4511.19 or an equivalent ordinance has been removed as a disqualifying event. Notwithstanding, the BMV's interpretation of the statute is that it may disqualify for a conviction of any violation listed in RC §4506.15(A)(2) to (A)(12), which would include state and municipal OVI's. Note that OAC §4501:1-1-24(A) provides that the BMV shall disqualify a person from operating a commercial motor vehicle for a conviction of an offense described in RC §4506.15. Additionally, the disqualification applies to persons who are placed under an ALS imposed according to RC §4511.191 (Implied Consent Law) for refusing or failing a chemical test after a lawful arrest for OVI.

Although a court may not grant limited driving privileges for employment as a driver of a commercial motor vehicle to any driver who is disqualified under RC §4506.16, it may grant driving privileges for other purposes. RC §4510.13(B).

Cautionary Note: *As of January 27, 2012, an Administrative License Suspension (ALS) imposed under RC§ 4511.191 for refusing or failing a chemical test (Implied Consent law) will cause the BMV to disqualify a person from operating a commercial motor vehicle. See RC §4506.16(D)(1) and (2). Thus, an ALS appeal must be filed within 30 days of the arraignment. Unless the ALS (for a refusal or failed test) is vacated on appeal, the commercial driver will be disqualified even if he or she is found not guilty of the OVI by acquittal or dismissal upon amendment to a reduced charge. A first ALS requires a one-year disqualification. A second ALS will require a disqualification "for life or for any other period as determined by the United States Secretary of Transportation and designed by the director of public safety by rule."*

APPENDIX A: POINTS CHART - SELECT OFFENSES

CONVICTION	RC SECTION	POINTS
Catch-All Driving Under Suspension	§4510.11(A)	2
Driving Under FRA Suspension	§4510.16(A)	2
Violation of Restriction	§4510.11(B)	2
Driving Under an OVI Suspension	§§ 4510.14, 4511.19, 4511.191	6
Failure to Reinstate	§4510.21(B)	2
Driving Under a 12-Point Suspension	§4510.037(J)	6
Driving Under a Lifetime Suspension	§4510.18	6
Driving Under Child Support/ Failure to Pay Suspension	§4510.111	2
Driving Under Non-Payment of Judgment Suspension	§4510.16	2
Hit Skip/Leaving the Scene of an Accident	§§4549.02, 4549.021	6
Hit Skip Private Property	§4549.03	2
Fleeing and Eluding a Police Officer	§2921.331	6
Reckless Operation	§4511.20	4
Reckless Operation	§4511.21	2
Driving While Texting	§4511.204	2- 1 st offense in 2 yrs.
Driving While Texting	§4511.204	3- 2 nd offense in 2 yrs.
Driving While Texting	§4511.204	4- 3 rd offense in 2 yrs.

APPENDIX B: OHIO BUREAU OF MOTOR VEHICLE REINSTATEMENT FEES

SUSPENSION TYPE	FEE
Administrative Indefinite or Medical Suspension	None
ALS Positive	\$315
ALS Refusal	\$315
License Forfeiture	\$25
Court Suspension of 90 days or more	\$40
Child Support Suspension	\$25
Drug-Related (In-state or Out-of-state)	\$40
Habitual Use of Drugs/Alcohol	None
High School Dropout	\$40
Judgment	None
NDR Indefinite Suspension	\$40
Noncompliance Suspension; First Suspension	\$40
Noncompliance Suspension; Second Suspension within 1 year of violation	\$300
Noncompliance Suspension; Third Suspension within 1 year of violation	\$600
Nonresident Violator Compact	\$40
OVI	\$315
OVUAC	\$40
Physical Control	\$315 (if a court suspends a license)
Probationary Suspension for 2 Moving Violations	\$40
Probationary Suspension for 3 Moving Violations	\$40
Probationary Suspension for OVUAC	\$40
Probationary Suspension for OVI (Under 18)	\$40
Security Suspension	None
Twelve-Point Suspension	\$40
Vehicle Forfeiture	None
Vehicle Immobilization	\$100
Violation of Liquor Law	\$40
Violation of Restriction	\$40
Juvenile Intervention Suspension	\$40
Warrant Block	\$15