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Sub. S. B. No. 68

Senator Williams

Cosponsors: Senators Antonio, Thomas, Sykes, Uecker, Huffman, M., Eklund, Brenner, Hackett, Maharath, Burke, Coley, Craig, Dolan, Fedor, Gavarone, Hoagland, Hottinger, Huffman, S., Kunze, Lehner, Manning, McColley, Obhof, O'Brien, Peterson, Rulli, Schuring, Terhar, Wilson, Yuko

A BILL

To amend section 4510.10 of the Revised Code to
allow a court to authorize completion of a
community service program in lieu of payment of
driver's license reinstatement fees when the
court determines that an offender cannot
reasonably pay the fees and to establish a
reinstatement fee waiver plan.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 4510.10 of the Revised Code be
amended to read as follows:

Sec. 4510.10. (A) As used in this section, ~~"reinstatement"~~
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(1) "Reinstatement fees" means the fees that are required
under section 4507.1612, 4507.45, 4509.101, 4509.81, 4511.191,
4511.951, or any other provision of the Revised Code, or under a
schedule established by the bureau of motor vehicles, in order
to reinstate a driver's or commercial driver's license or permit

or nonresident operating privilege of an offender under a 17
suspension. 18

(2) "Indigent person" means a person who the state public 19
defender has determined to be indigent in accordance with 20
section 120.05 of the Revised Code. 21

(B) Reinstatement fees are those fees that compensate the 22
bureau of motor vehicles for suspensions, cancellations, or 23
disqualifications of a person's driving privileges and to 24
compensate the bureau and other agencies in their administration 25
of programs intended to reduce and eliminate threats to public 26
safety through education, treatment, and other activities. The 27
registrar of motor vehicles shall not reinstate a driver's or 28
commercial driver's license or permit or nonresident operating 29
privilege of a person until the person has paid all 30
reinstatement fees and has complied with all conditions for each 31
suspension, cancellation, or disqualification incurred by that 32
person. 33

(C) When a municipal court or county court determines in a 34
pending case involving an offender that the offender cannot 35
reasonably pay reinstatement fees due and owing by the offender 36
relative to one or more suspensions that have been or will be 37
imposed by the bureau of motor vehicles or by a court of this 38
state, the court, by order, may ~~undertake~~ do either of the 39
following: 40

(1) Undertake an installment payment plan or a payment 41
extension plan for the payment of reinstatement fees due and 42
owing to the bureau in that pending case. The court shall 43
establish an installment payment plan or a payment extension 44
plan ~~under this division~~ in accordance with the requirements of 45
divisions (D) (1) and (2) of this section. 46

(2) Authorize the offender to perform community service in lieu of payment of the reinstatement fees. 47
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A court that authorizes an offender to perform community service in lieu of paying reinstatement fees under this division shall provide the offender with documentation indicating completion of the court-ordered community service when the offender has completed that community service. In addition to complying with all other applicable requirements for reinstatement, other than payment of reinstatement fees, the offender shall provide the documentation of completion to the registrar when seeking reinstatement. 49
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(D) Independent of the provisions of division (C) of this section, an offender who cannot reasonably pay reinstatement fees due and owing by the offender relative to a suspension that has been imposed on the offender may file a petition in the municipal court, county court, or, if the person is under the age of eighteen, the juvenile division of the court of common pleas in whose jurisdiction the person resides or, if the person is not a resident of this state, in the Franklin county municipal court or juvenile division of the Franklin county court of common pleas for an order that does either of the following, in order of preference: 58
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(1) Establishes a reasonable payment plan of not less than fifty dollars per month, to be paid by the offender to the registrar of motor vehicles or an eligible deputy registrar, in all succeeding months until all reinstatement fees required of the offender are paid in full. If the person is making payments to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars each time the deputy registrar collects a payment to compensate the deputy registrar for 69
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services performed under this section. The deputy registrar 77
shall retain eight dollars of the service fee and shall transmit 78
the reinstatement payments, plus two dollars of each service 79
fee, to the registrar in the manner the registrar shall 80
determine. 81

(2) If the offender, but for the payment of the 82
reinstatement fees, otherwise would be entitled to operate a 83
vehicle in this state or to obtain reinstatement of the 84
offender's operating privileges, permits the offender to operate 85
a motor vehicle, as authorized by the court, until a future date 86
upon which date all reinstatement fees must be paid in full. A 87
payment extension granted under this division shall not exceed 88
one hundred eighty days, and any operating privileges granted 89
under this division shall be solely for the purpose of 90
permitting the offender occupational or "family necessity" 91
privileges in order to enable the offender to reasonably acquire 92
the delinquent reinstatement fees due and owing. 93

(E) If a municipal court, county court, or juvenile 94
division enters an order of the type described in division (C) 95
or division (D) (1) or (2) of this section, the court, at any 96
time after the issuance of the order, may determine that a 97
change of circumstances has occurred and may amend the order as 98
justice requires, provided that the amended order also shall be 99
an order that is permitted under division (C) or division (D) (1) 100
or (2) of this section. 101

(F) If a court enters an order of the type described in 102
division (C), (D) (1), (D) (2), or (E) of this section, during the 103
pendency of the order, the offender in relation to whom it 104
applies is not subject to prosecution for failing to pay the 105
reinstatement fees covered by the order. 106

(G) (1) In addition to divisions (A) to (F) of this 107
section, the registrar, with the approval of the director of 108
public safety and in accordance with Chapter 119. of the Revised 109
Code, may adopt rules that ~~permit~~ do both of the following: 110

(a) Permit a person to pay reinstatement fees in 111
installments in accordance with ~~this~~ division (G) (2) of this 112
section; 113

(b) Permit an indigent person to apply for and receive a 114
waiver of all reinstatement fees in accordance with division (G) 115
(3) of this section. ~~The~~ 116

(2) The rules governing the bureau of motor vehicles 117
installment plan may contain any of the following provisions: 118

~~(1)~~ (a) A schedule establishing a minimum monthly payment 119
amount; 120

~~(2)~~ (b) If the person otherwise would have valid driving 121
privileges but for the payment of the reinstatement fees, the 122
registrar may record the person's driving privileges as "valid" 123
so long as the person's installments are current. 124

~~(3)~~ (c) If the person's installments are not current, the 125
registrar may record the person's driving privileges as 126
"suspended" or "failure to reinstate," as appropriate. 127

~~(4)~~ (d) Any other provision the registrar reasonably may 128
prescribe. 129

(3) The rules governing the bureau of motor vehicles 130
waiver plan may establish any of the following: 131

(a) The form of the application; 132

(b) The documentation required of a person to prove that 133

<u>the person is an indigent person;</u>	134
<u>(c) A process for recording the person's driving</u>	135
<u>privileges as "valid" after the waiver of the reinstatement</u>	136
<u>fees;</u>	137
<u>(d) Any other requirements or procedures the registrar</u>	138
<u>determines are necessary for implementation of the waiver plan.</u>	139
(H) Reinstatement fees are debts that may be discharged in	140
bankruptcy.	141
Section 2. That existing section 4510.10 of the Revised	142
Code is hereby repealed.	143