

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 566

Representatives Mohamed, Daniels

Cosponsors: Representatives Dell'Aquila, Brown, Seitz



A BILL

To amend section 4510.037 of the Revised Code to shorten the time that points remain on a person's commercial driver's license or permit and to allow such drivers to take the remedial driving course more frequently.

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

Section 1. That section 4510.037 of the Revised Code be amended to read as follows:

Sec. 4510.037. (A) When the registrar of motor vehicles determines that the total points charged against any person under section 4510.036 of the Revised Code exceed five, the registrar shall send a warning letter to the person at the person's last known address by regular mail. The warning letter shall list the reported violations that are the basis of the points charged, list the number of points charged for each violation, and outline the suspension provisions of this section.

~~(B)~~ (B) (1) As used in division (B) of this section, "applicable period" means a two-year period for a person who

holds a driver's license or permit or has nonresident operating 19
privileges and a one-year period for a person who holds a 20
commercial driver's license or permit. 21

(2) When the registrar determines that the total points 22
charged against any person under section 4510.036 of the Revised 23
Code within ~~any two-year~~ an applicable period beginning on the 24
date of the first conviction within the ~~two-year~~ applicable 25
period is equal to twelve or more, the registrar shall send a 26
written notice to the person at the person's last known address 27
by regular mail. The notice shall list the reported violations 28
that are the basis of the points charged, list the number of 29
points charged for each violation, and state that, because the 30
total number of points charged against the person within the 31
applicable ~~two-year~~ period is equal to twelve or more, the 32
registrar is imposing a class D suspension of the person's 33
driver's or commercial driver's license or permit or nonresident 34
operating privileges for the period of time specified in 35
division (B) (4) of section 4510.02 of the Revised Code. The 36
notice also shall state that the suspension is effective on the 37
twentieth day after the mailing of the notice, unless the person 38
files a petition appealing the determination and suspension in 39
the municipal court, county court, or, if the person is under 40
the age of eighteen, the juvenile division of the court of 41
common pleas in whose jurisdiction the person resides or, if the 42
person is not a resident of this state, in the Franklin county 43
municipal court or juvenile division of the Franklin county 44
court of common pleas. By filing the appeal of the determination 45
and suspension, the person agrees to pay the cost of the 46
proceedings in the appeal of the determination and suspension 47
and alleges that the person can show cause why the person's 48
driver's or commercial driver's license or permit or nonresident 49

operating privileges should not be suspended. 50

(C) (1) Any person against whom at least two but less than 51
twelve points have been charged under section 4510.036 of the 52
Revised Code may enroll in a course of remedial driving 53
instruction that is approved by the director of public safety in 54
accordance with division (L) of this section. Upon the person's 55
completion of an approved course of remedial driving 56
instruction, the person may apply to the registrar on a form 57
prescribed by the registrar for a credit of two points on the 58
person's driving record. Upon receipt of the application and 59
proof of completion of the approved remedial driving course, the 60
registrar shall approve the two-point credit. The registrar 61
shall not approve any credits for a person who completes an 62
approved course of remedial driving instruction pursuant to a 63
judge's order under section 4510.02 of the Revised Code. 64

(2) In any three-year period, the registrar shall approve 65
only one two-point credit on a person's driving record under 66
division (C) (1) of this section if that person holds a driver's 67
license or permit or has nonresident driving privileges. In any 68
one-year period, the registrar shall approve only one two-point 69
credit on a person's driving record under division (C) (1) of 70
this section if that person holds a commercial driver's license 71
or permit. The registrar shall approve not more than five two- 72
point credits on a person's driving record under division (C) (1) 73
of this section during that person's lifetime. 74

(D) When a judge of a court of record suspends a person's 75
driver's or commercial driver's license or permit or nonresident 76
operating privilege and charges points against the person under 77
section 4510.036 of the Revised Code for the offense that 78
resulted in the suspension, the registrar shall credit that 79

period of suspension against the time of any subsequent 80
suspension imposed under this section for which those points 81
were used to impose the subsequent suspension. When a United 82
States district court that has jurisdiction within this state 83
suspends a person's driver's or commercial driver's license or 84
permit or nonresident operating privileges pursuant to the 85
"Assimilative Crimes Act," 102 Stat. 4381 (1988), 18 U.S.C.A. 86
13, as amended, the district court prepares an abstract pursuant 87
to section 4510.031 of the Revised Code, and the district court 88
charges points against the person under section 4510.036 of the 89
Revised Code for the offense that resulted in the suspension, 90
the registrar shall credit the period of suspension imposed by 91
the district court against the time of any subsequent suspension 92
imposed under this section for which the points were used to 93
impose the subsequent suspension. 94

(E) The registrar, upon the written request of a licensee 95
who files a petition under division (B) of this section, shall 96
furnish the licensee a certified copy of the registrar's record 97
of the convictions and bond forfeitures of the person. This 98
record shall include the name, address, and date of birth of the 99
licensee; the name of the court in which each conviction or bail 100
forfeiture took place; the nature of the offense that was the 101
basis of the conviction or bond forfeiture; and any other 102
information that the registrar considers necessary. If the 103
record indicates that twelve points or more have been charged 104
against the person within a one-year or two-year period, as 105
applicable, it is prima-facie evidence that the person is a 106
repeat traffic offender, and the registrar shall suspend the 107
person's driver's or commercial driver's license or permit or 108
nonresident operating privilege pursuant to division (B) of this 109
section. 110

In hearing the petition and determining whether the person 111
filing the petition has shown cause why the person's driver's or 112
commercial driver's license or permit or nonresident operating 113
privilege should not be suspended, the court shall decide the 114
issue on the record certified by the registrar and any 115
additional relevant, competent, and material evidence that 116
either the registrar or the person whose license is sought to be 117
suspended submits. 118

(F) If a petition is filed under division (B) of this 119
section in a county court, the prosecuting attorney of the 120
county in which the case is pending shall represent the 121
registrar in the proceedings, except that, if the petitioner 122
resides in a municipal corporation within the jurisdiction of 123
the county court, the city director of law, village solicitor, 124
or other chief legal officer of the municipal corporation shall 125
represent the registrar in the proceedings. If a petition is 126
filed under division (B) of this section in a municipal court, 127
the registrar shall be represented in the resulting proceedings 128
as provided in section 1901.34 of the Revised Code. 129

(G) If the court determines from the evidence submitted 130
that a person who filed a petition under division (B) of this 131
section has failed to show cause why the person's driver's or 132
commercial driver's license or permit or nonresident operating 133
privileges should not be suspended, the court shall assess 134
against the person the cost of the proceedings in the appeal of 135
the determination and suspension and shall impose the applicable 136
suspension under this section or suspend all or a portion of the 137
suspension and impose any conditions upon the person that the 138
court considers proper or impose upon the person a community 139
control sanction pursuant to section 2929.15 or 2929.25 of the 140
Revised Code. If the court determines from the evidence 141

submitted that a person who filed a petition under division (B) 142
of this section has shown cause why the person's driver's or 143
commercial driver's license or permit or nonresident operating 144
privileges should not be suspended, the costs of the appeal 145
proceeding shall be paid out of the county treasury of the 146
county in which the proceedings were held. 147

(H) Any person whose driver's or commercial driver's 148
license or permit or nonresident operating privileges are 149
suspended under this section is not entitled to apply for or 150
receive a new driver's or commercial driver's license or permit 151
or to request or be granted nonresident operating privileges 152
during the effective period of the suspension. 153

(I) Upon the termination of any suspension or other 154
penalty imposed under this section involving the surrender of 155
license or permit and upon the request of the person whose 156
license or permit was suspended or surrendered, the registrar 157
shall return the license or permit to the person upon 158
determining that the person has complied with all provisions of 159
section 4510.038 of the Revised Code or, if the registrar 160
destroyed the license or permit pursuant to section 4510.52 of 161
the Revised Code, shall reissue the person's license or permit. 162

(J) Any person whose driver's or commercial driver's 163
license or permit or nonresident operating privileges are 164
suspended as a repeat traffic offender under this section and 165
who, during the suspension, operates any motor vehicle upon any 166
public roads and highways is guilty of driving under a twelve- 167
point suspension, a misdemeanor of the first degree. The court 168
shall sentence the offender to a minimum term of three days in 169
jail. No court shall suspend the first three days of jail time 170
imposed pursuant to this division. 171

(K) The registrar, in accordance with specific statutory authority, may suspend the privilege of driving a motor vehicle on the public roads and highways of this state that is granted to nonresidents by section 4507.04 of the Revised Code.

(L) (1) Any course of remedial driving instruction the director of public safety approves under this section shall require instruction in one of the following ways:

(a) Entirely in person;

(b) Any combination of in-person and video teleconferencing or internet instruction;

(c) Entirely remote instruction via video teleconferencing or the internet.

(2) The director shall approve a course of remedial instruction that permits students to take the course in any of the ways specified in division (L) (1) of this section, provided the provider of the course is capable of meeting the instructional standards established by the director. In accordance with division (C) of this section, upon receiving an application with a certificate or other proof of completion of a course approved under this division, the registrar shall approve the two-point reduction.

Section 2. That existing section 4510.037 of the Revised Code is hereby repealed.