

OHIO DRIVER'S LICENSE LAW

OFFENSES AND PENALTIES

DRIVING UNDER 12 POINT SUSPENSION RC 4510.037(J) - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
Any	M-1	3 - 180 days	0 - \$1,000	No	No	No	No	No

POINTS RC 4510.036(C)

SIX POINT VIOLATIONS		FOUR POINT VIOLATIONS	
Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter		Operation of vehicle after underage consumption	
Aggravated vehicular assault, vehicular assault		Operation in willful or wanton disregard of safety of persons or property	
Willful fleeing and eluding, failure to stop and disclose identity at accident		Exceeding speed limit by ≥ 30 mph	
Street racing		TWO POINT VIOLATIONS	
Driving under suspension		Exceeding speed limit of 55 or higher by > 10 mph but < 30 mph	
Operating vehicle under influence of alcohol, drug of abuse or both		Exceeding speed limit of less than 55 mph by > 5 mph but < 30 mph	
Unauthorized use of motor vehicle		Operating motor vehicle in violation of a restriction imposed by registrar	
Any felony motor vehicle violation or any felony committed with motor vehicle		All other moving violations including operating vehicle without license	
TWO POINT CREDIT COURSE			
A driver with at least 2, but less than 12 points, may complete an approved remedial driving course and apply for a 2 point credit. Driver can obtain one credit in any three year period and up to five in a lifetime. No credit is given for course required by court for driver to regain license after suspension. RC 4510.037(C)			

DUS OR DRIVING IN VIOLATION OF LICENSE RESTRICTION¹ RC 4510.11 - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration/Community Service	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
4510.11(C)(1)(a) DUS First Anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	Mandatory 30 days if Δ owns vehicle	No	30 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Second anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	Mandatory 60 days if Δ owns vehicle	No	60 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Third or more anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	No	Mandatory if Δ owns vehicle ²	If Δ owns Vehicle	If privileges are for vehicle with impounded plates
4510.11(C)(1)(b) Child Support/Fail Appear/Pay First in 3 years	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	Mandatory ³	Mandatory 30 days if Δ owns vehicle	No	30 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Second in 3 years	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	Mandatory ³	Mandatory 60 days if 1 prior <i>anytime</i> and Δ owns vehicle	No	60 days if 1 prior <i>anytime</i> and Δ owns vehicle	If privileges are for vehicle with impounded plates
Third or more in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Mandatory ³	No	Mandatory if ≥ 2 priors <i>anytime</i> and Δ owns vehicle ²	If ≥ 2 priors <i>anytime</i> and Δ owns Vehicle	If privileges are for vehicle with impounded plates
4510.11(C)(2) Violation license restriction Any	M-1	0 - 180 days	\$0 - \$1,000	No	No	No	No	No

OPERATING MOTOR VEHICLE WITHOUT VALID LICENSE⁴ RC 4510.12 - 2 POINTS

Level/No. of Offense	Degree of Offense	Incarceration/Community Service	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
4510.12(B)(1) Never licensed	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	No	No	No	No	No
4510.12(B)(2) Expired license First, Second or Third in 3 years	MM	0 - 30 hours community service in lieu of all or part of a fine	\$0 - \$150	No for first offense or if prior was > 3 years. Mandatory if prior in 3 years and expired > 6 months.	No	No	No	No
Fourth or more in 3 years	M-1	0 - 180 days	\$0 - \$1000		No	No	No	No

DRIVING UNDER AN OVI SUSPENSION¹ RC 4510.14 - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First in 6 years	M-1	3 - 180 days jail or 30-180 days HAEM. ⁵	\$250 - \$1,000	Mandatory	Mandatory 30 days if Δ owns vehicle	No	30 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Second in 6 years	M-1	10 days to 1 year jail or 90 days to 1 year HAEM. ⁵	\$500 - \$2,500	Mandatory	Mandatory 60 days if Δ owns vehicle	No	60 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Third or more in 6 years	Unclassified misdemeanor	30 days to 1 year jail. No HAEM. ⁵	\$500 - \$2,500	Mandatory	No	Mandatory if Δ owns vehicle ²	If Δ owns Vehicle	If privileges are for vehicle with impounded plates

¹It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. RC 4510.04.
²If vehicle forfeiture is required and title is assigned/transferred, offender may be fined vehicle value per national auto dealers' association publications. RC 4503.234(E).
³An argument can be made that no suspension should apply for child support and/or failure to appear/pay. The language of RC 4510.11(C)(1) is ambiguous and under RC 2904.01(A), penal statutes are to be strictly construed against the state and liberally construed in favor of the defendant.
⁴Operating without valid license includes offense of driving a motorcycle without a valid endorsement or restricted license as a motorcycle operator. RC 4510.12(A)(2).
⁵HAEM is house arrest with electronic monitoring. Within 60 days, court must issue finding of lack of jail space. RC 4510.14(C).

OFFENSES AND PENALTIES (CONTINUED)

DRIVING UNDER FRA SUSPENSION OR CANCELLATION^{1&2} RC 4510.16 - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration/Community Service	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First in 3 years	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	Mandatory	Optional 30 days if Δ owns vehicle	No	Optional 30 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Second in 3 years	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	Mandatory	Mandatory 60 days if 1 prior in 5 years and Δ owns vehicle	No	Mandatory 60 days if 1 prior in 5 years and Δ owns vehicle	If privileges are for vehicle with impounded plates
Third or more in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	No	Mandatory if ≥ 2 priors in 5 years and Δ owns vehicle ³	Mandatory if ≥ 2 priors in 5 years and Δ owns vehicle	If privileges are for vehicle with impounded plates

FAILURE TO REINSTATE LICENSE¹ RC 4510.21 - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
Any	M-1	0 - 180 days	\$0 - \$1,000	Optional	No	No	Mandatory if Δ owns vehicle, time unspecified	If privileges are for vehicle with impounded plates

WRONGFUL ENTRUSTMENT OF MOTOR VEHICLE RC 4511.203 - 0 POINTS

Level/No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First Anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	30 days	No	30 days	No
Second anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	60 days	No	30 days	No
Third or more anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	No	Mandatory ³	No	No

¹It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. RC 4510.04.

²For a person accused of a violation of RC 4510.16, it is an affirmative defense that the suspension resulted from the person's failure to respond to a random financial responsibility request, and at the time of the request, the person was in compliance with requirements as shown by proof of financial responsibility in effect at the time of the request. RC 4510.04.

³If vehicle forfeiture is required and title is assigned/transferred, offender may be fined vehicle value per national auto dealers' association publications. RC 4503.234(E).

LIMITED DRIVING PRIVILEGES

- **Court Imposed Suspensions** A court may grant limited driving privileges except for:
 - 1. During the "hard-time" of a class 2 suspension, or any portion of a class 1 suspension, imposed for the failure to comply with an order or direction of a police officer; willful fleeing and eluding a law enforcement officer. RC 2921.331(E).
 - 2. During the "hard-time" of OVI, OVUAC or ALS. RC 4510.13(A).
 - 3. Child endangering involving operating under the influence of alcohol, drugs or both, and with three or more prior or equivalent offenses within the preceding 6 years. RC 2919.22(G).
 - 4. Certain moving violations committed by juveniles with three or more prior offenses. RC 4510.31(C)(3).
 - 5. The operation of a commercial motor vehicle by any person whose driver's license or commercial driver's license has been suspended or who has been disqualified from operating a commercial motor vehicle. RC 4506.161.
- **Bureau of Motor Vehicles Suspensions** A court may not grant limited driving privileges except for:
 - 1. Extension of time, not to exceed 180 days, for offender to reasonably acquire reinstatement fees if payment of fees is the only impediment to reinstatement. Privileges may be granted for occupational or "family necessity only." RC 4510.10(B)(2).
 - 2. FRA suspensions as follows:
 - a. **First offense:** only with proof of financial responsibility and compliance with RC 4509.101(A)(5). RC 4509.101(A)(2)(a).
 - b. **Second offense within 5 years:** as above but no privileges allowable for first 15 days of the suspension. RC 4509.101(A)(2)(b).
 - c. **Third or greater offense within 5 years:** no privileges may be granted. RC 4509.101(A)(2)(c).
 - 3. Upon an appeal of a twelve point suspension. RC 4510.037(G).
 - 4. Upon the suspension of a juvenile probationary license by the court in which the violation triggering the suspension occurred, if the court finds reasonable cause to believe the person's ability to continue employment, educational or vocational training, or treatment will be seriously affected. RC 4510.31(E)(1).
 - 5. For Class D suspensions imposed on Ohio residents for drug convictions from other states or in federal court, except during "hard-time" of same. RC 4510.17(E).
- **Conditions** In granting limited driving privileges, the court:
 - 1. Shall specify the purposes, times and places of the privileges. RC 4510.021(A).
 - 2. Shall require the offender to provide proof of financial responsibility. RC 4510.021(E).
 - 3. May impose any other reasonable conditions upon the person's driving, which may include requiring the person's vehicle to be equipped with an immobilizing and disabling device and/or restricted plates. RC 4510.021(A),(C).
- **Purposes** Privileges may be granted for:
 - 1. Occupational, educational, vocational, or medical purposes,
 - 2. Taking driver's or commercial license examination, and
 - 3. Attending court-ordered treatment. RC 4510.021(A).
 - 4. For juveniles, practice driving with parent, guardian, or custodian in the seat beside the juvenile. RC 4510.021(D).

Judge Jennifer P. Weiler, Garfield Heights Municipal Court

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