

AN ACT

To amend sections 3937.18 and 4509.101 and to enact section 4509.105 of the Revised Code to permit occupational driving privileges for first-time violators of the Financial Responsibility Law; and to modify Ohio's Uninsured and Underinsured Motorists Law by limiting the insured's right to recover when the owner or operator of the uninsured motor vehicle has an immunity, by requiring independent corroborative evidence to recover for injuries caused by an unidentified motorist, and by making other modifications to the scope of and coverage under the Uninsured and Underinsured Motorists Law.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 3937.18 and 4509.101 be amended and section 4509.105 of the Revised Code be enacted to read as follows:

Sec. 3937.18. (A) No automobile liability or motor vehicle liability policy of insurance insuring against loss resulting from liability imposed by law for bodily injury or death suffered by any person arising out of the ownership, maintenance, or use of a motor vehicle shall be delivered or issued for delivery in this state with respect to any motor vehicle registered or principally garaged in this state unless both of the following coverages are ~~provided~~ offered to persons insured under the policy for loss due to bodily injury or death suffered by such ~~persons~~ insureds:

(1) Uninsured motorist coverage, which shall be in an amount of coverage equivalent to the automobile liability or motor vehicle liability coverage and shall provide protection for bodily injury, sickness, or disease, including death under provisions approved by the superintendent of insurance, for the protection of ~~persons insured~~ insureds thereunder who are legally entitled to recover damages from owners or operators of uninsured motor vehicles because of bodily injury, sickness, or disease, including death, suffered by any person insured under the policy.

For purposes of division (A)(1) of this section, ~~a person~~ an insured is legally entitled to recover damages if ~~he~~ the insured is able to prove the elements of ~~his~~ the insured's claim that are necessary to recover damages from the owner or operator of the uninsured motor vehicle. The fact that the owner or operator of the uninsured motor vehicle has an immunity, ~~whether based upon a statute or the common law,~~ under Chapter 2744. Of the Revised Code or a diplomatic immunity that could be raised as a defense in an action brought against ~~him~~ the owner or operator by the ~~person~~ insured ~~under uninsured motorist coverage~~ does not affect the ~~insured person's~~ INSURED'S right to recover under ~~his~~ uninsured motorist coverage. HOWEVER, ANY OTHER TYPE OF STATUTORY OR COMMON LAW IMMUNITY THAT MAY BE A DEFENSE FOR THE OWNER OR OPERATOR OF AN UNINSURED MOTOR VEHICLE SHALL ALSO BE A DEFENSE TO AN ACTION BROUGHT BY THE INSURED TO RECOVER UNDER UNINSURED MOTORIST COVERAGE.

(2) Underinsured motorist coverage, which shall be in an amount of coverage equivalent to the automobile liability or motor vehicle liability coverage and shall provide protection for ~~an insured~~ insureds thereunder against loss for bodily injury, sickness, or disease, including death, suffered by any person insured under the policy, where the limits of coverage available for payment to the insured under all bodily injury liability bonds and insurance policies covering persons liable to the insured are less than the limits for the insured's uninsured motorist coverage. Underinsured motorist coverage is not and shall not be excess insurance to other applicable liability coverages, and shall be provided only to afford the insured an amount of protection not greater than that which would be available under the insured's uninsured motorist coverage if the person or persons liable were uninsured at the time of the accident. The policy limits of the underinsured motorist coverage shall be reduced by those amounts available for payment under all applicable bodily injury liability bonds and insurance policies covering persons liable to the insured.

(B) Coverages offered under division (A) of this section shall be written for the same limits of liability. No change shall be made in the limits of one of these coverages without an equivalent change in the limits of the other coverage.

(C) ~~The~~ A named insured or applicant may ~~only~~ reject or accept both coverages as offered under division (A) of this section. ~~The named insured,~~ or may ~~require the issuance of~~ alternatively select both such coverages ~~for bodily injury or death~~ in accordance with a schedule of ~~optional lesser amounts~~ limits approved by the superintendent; ~~that.~~ The schedule of limits

approved by the superintendent may permit a named insured or applicant to select uninsured and underinsured motorists coverages with limits on such coverages that are less than the limit of liability coverage provided by the automobile liability or motor vehicle liability policy of insurance under which the coverages are provided, but the limits shall be no less than the limits set forth in section 4509.20 of the Revised Code for bodily injury or death. ~~Unless the A named insured's or applicant's rejection of both coverages as offered under division (A) of this section, or a named insured's or applicant's selection of such coverages in accordance with the schedule of limits approved by the superintendent, shall be in writing and shall be signed by the named insured or applicant. A named insured's or applicant's written, signed rejection of both coverages as offered under division (A) of this section, or a named insured's or applicant's written, signed selection of such coverages in accordance with the schedule of limits approved by the superintendent, shall be effective on the day signed, shall create a presumption of an offer of coverages consistent with division (A) of this section, and shall be binding on all other named insureds, insureds, or applicants.~~

Unless a named insured or applicant requests such coverages in writing, such coverages need not be provided in or made supplemental to a policy renewal or replacement policy where the A named insured or applicant has rejected the such coverages in connection with a policy previously issued to him the named insured or applicant by the same insurer. If the A named insured or applicant has selected ~~uninsured motorist coverage~~ such coverages in connection with a policy previously issued to him the named insured or applicant by the same insurer, with limits in accordance with the schedule of limits approved by the superintendent, such coverages ~~offered under division (A) of this section~~ need not be provided with limits in excess of the limits of the liability previously issued for ~~uninsured motorist coverage~~ such coverages, unless the A named insured or applicant requests in writing higher limits of liability for such coverages.

(D) For the purpose of this section, a motor vehicle ~~is~~ shall be deemed uninsured if the in either of the following circumstances:

(1) THE liability insurer denies coverage or is or becomes the subject of insolvency proceedings in any jurisdiction;

(2) THE IDENTITY OF THE OWNER AND OPERATOR OF THE MOTOR VEHICLE CANNOT BE DETERMINED, BUT INDEPENDENT CORROBORATIVE EVIDENCE EXISTS TO PROVE THAT THE BODILY INJURY, SICKNESS, DISEASE, OR DEATH OF THE INSURED WAS PROXIMATELY CAUSED BY THE NEGLIGENCE OR

INTENTIONAL ACTIONS OF THE UNIDENTIFIED OPERATOR OF THE MOTOR VEHICLE. FOR PURPOSES OF THIS DIVISION, THE TESTIMONY OF ANY INSURED SEEKING RECOVERY FROM THE INSURER SHALL NOT CONSTITUTE INDEPENDENT CORROBORATIVE EVIDENCE, UNLESS THE TESTIMONY IS SUPPORTED BY ADDITIONAL EVIDENCE.

(E) In the event of payment to any person under the coverages ~~required~~ by offered under this section and subject to the terms and conditions of such coverages, the insurer making such payment to the extent thereof is entitled to the proceeds of any settlement or judgment resulting from the exercise of any rights of recovery of such person against any person or organization legally responsible for the bodily injury or death for which such payment is made, including any amount recoverable from an insurer which is or becomes the subject of insolvency proceedings, through such proceedings or in any other lawful manner. No insurer shall attempt to recover any amount against the insured of an insurer which is or becomes the subject of insolvency proceedings, to the extent of ~~his~~ THOSE rights against such insurer which such insured assigns to the paying insurer.

(F) The coverages ~~required by~~ offered under this section shall not be made subject to an exclusion or reduction in amount because of any workers' compensation benefits payable as a result of the same injury or death.

(G) Any automobile liability or motor vehicle liability policy of insurance that includes coverages offered under division (A) of this section or selected in accordance with division (C) of this section may, without regard to any premiums involved, include terms and conditions that preclude any and all stacking of such coverages, including but not limited to:

(1) Interfamily stacking, which is the aggregating of the limits of such coverages by the same person or two or more persons, whether family members or not, who are not members of the same household;

(2) Intrafamily stacking, which is the aggregating of the limits of such coverages purchased by the same person or two or more family members of the same household.

(H) Any automobile liability or motor vehicle liability policy of insurance that includes coverages offered under division (A) of this section or selected in accordance with division (C) of this section and that provides a limit of coverage for payment for damages for bodily injury, including death, sustained by any one person in any one automobile accident, may, notwithstanding Chapter 2125. of the Revised Code, include terms and conditions to the effect that all claims resulting from or arising out of any

one person's bodily injury, including death, shall collectively be subject to the limit of the policy applicable to bodily injury, including death, sustained by one person, and, for the purpose of such policy limit shall constitute a single claim. Any such policy limit shall be enforceable regardless of the number of insureds, claims made, vehicles or premiums shown in the declarations or policy, or vehicles involved in the accident.

(I) Nothing in this section shall prohibit the inclusion of underinsured motorist coverage in any uninsured motorist coverage provided in compliance with this section.

(J) The coverages offered under division (A) of this section or selected in accordance with division (C) of this section may include terms and conditions that preclude coverage for bodily injury or death suffered by an insured under any of the following circumstances:

(1) WHILE THE INSURED IS OPERATING OR OCCUPYING A MOTOR VEHICLE OWNED BY, FURNISHED TO, OR AVAILABLE FOR THE REGULAR USE OF a named insured, A SPOUSE, OR A RESIDENT RELATIVE of a named insured, IF THE MOTOR VEHICLE IS NOT specifically identified IN THE POLICY UNDER WHICH A CLAIM IS MADE, OR IS NOT A NEWLY ACQUIRED OR REPLACEMENT MOTOR VEHICLE COVERED UNDER THE TERMS OF THE POLICY under which the uninsured and underinsured motorist coverages are provided;

(2) WHILE THE INSURED IS OPERATING OR OCCUPYING A MOTOR VEHICLE WITHOUT A REASONABLE BELIEF THAT THE INSURED IS ENTITLED TO DO SO, PROVIDED THAT UNDER NO CIRCUMSTANCES WILL AN INSURED WHOSE LICENSE HAS BEEN SUSPENDED, REVOKED, OR NEVER ISSUED, BE HELD TO HAVE A REASONABLE BELIEF THAT THE INSURED IS ENTITLED TO OPERATE A MOTOR VEHICLE;

(3) When the bodily injury or death is caused by a motor vehicle operated by any person who is specifically excluded from coverage for bodily injury liability in the policy under which the uninsured and underinsured motorist coverages are provided.

(K) AS USED IN THIS SECTION, "UNINSURED MOTOR VEHICLE" AND "UNDERINSURED MOTOR VEHICLE" DO NOT INCLUDE ANY OF THE FOLLOWING MOTOR VEHICLES:

(1) A MOTOR VEHICLE that has APPLICABLE LIABILITY COVERAGE in the POLICY under WHICH THE UNINSURED AND UNDERINSURED motorist coverages are provided;

(2) A MOTOR VEHICLE OWNED BY, FURNISHED TO, OR

AVAILABLE FOR THE REGULAR USE OF a named INSURED, A SPOUSE, OR A RESIDENT RELATIVE of a named insured;

(3) A MOTOR VEHICLE OWNED BY A POLITICAL SUBDIVISION, UNLESS THE OPERATOR OF THE MOTOR VEHICLE HAS AN IMMUNITY UNDER CHAPTER 2744. OF THE REVISED CODE THAT COULD BE RAISED AS A DEFENSE IN AN ACTION BROUGHT AGAINST THE OPERATOR BY THE INSURED;

(4) A MOTOR VEHICLE SELF-INSURED WITHIN THE MEANING OF THE FINANCIAL RESPONSIBILITY LAW OF THE STATE IN WHICH THE MOTOR VEHICLE IS REGISTERED.

(L) As used in this section, "automobile liability or motor vehicle liability policy of insurance" means either of the following:

(1) Any policy of insurance that serves as proof of financial responsibility, as proof of financial responsibility is defined by division (K) of section 4509.01 Of the Revised Code, for owners or operators of the motor vehicles specifically identified in the policy of insurance;

(2) Any umbrella liability policy of insurance.

Sec. 4509.101. (A)(1) No person shall operate, or permit the operation of, a motor vehicle in this state, unless proof of financial responsibility is maintained continuously throughout the registration period with respect to that vehicle, or, in the case of a driver who is not the owner, with respect to that ~~person's~~ driver's operation of that vehicle.

(2) Whoever violates division (A)(1) of this section shall be subject to the following civil penalties:

(a) Suspension of the person's operating privileges and impoundment of the person's license until the person complies with division (A)(5) of this section. The suspension shall be for a period of not less than ninety days except that if, within five years of the violation, the person's operating privileges are again suspended and the person's license is impounded one or more times for a violation of division (A)(1) of this section, the suspension shall be for a period of not less than one year. ~~The~~ Except as provided by section 4509.105 Of the Revised Code, the suspension is not subject to revocation, suspension, or occupational or other limited operating privileges.

(b) In addition to the suspension of an owner's license under division (A)(2)(a) of this section, the suspension of the rights of the owner to register the motor vehicle and the impoundment of the owner's certificate of registration and license plates until the owner complies with division (A)(5) of this section.

(3) A person to whom this state has issued a certificate of registration for a motor vehicle or a license to operate a motor vehicle or who is

determined to have operated any motor vehicle or permitted the operation in this state of a motor vehicle owned by the person shall be required to verify the existence of proof of financial responsibility covering the operation of the motor vehicle or the person's operation of the motor vehicle under any of the following circumstances:

(a) The person or a motor vehicle owned by the person is involved in a traffic accident that requires the filing of an accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper made in accordance with division (D)(2) of this section.

(c) Whenever, in accordance with rules adopted by the registrar, the person is randomly selected by the registrar and requested to provide such verification.

(4) An order of the registrar that suspends and impounds a license or registration, or both, shall state the date on or before which the person is required to surrender the person's license or certificate of registration and license plates. The person is deemed to have surrendered the license or certificate of registration and license plates, in compliance with the order, if the person does either of the following:

(a) On or before the date specified in the order, personally delivers the license or certificate of registration and license plates, or causes the delivery of the items, to the registrar;

(b) Mails the license or certificate of registration and license plates to the registrar in an envelope or container bearing a postmark showing a date no later than the date specified in the order.

(5) The registrar shall not restore any operating privileges or registration rights suspended under this section, return any license, certificate of registration, or license plates impounded under this section, or reissue license plates under section 4503.232 of the Revised Code, if the registrar destroyed the impounded license plates under that section, or reissue a license under section 4507.54 of the Revised Code, if the registrar destroyed the suspended license under that section, unless the rights are not subject to suspension or revocation under any other law and unless the person, in addition to complying with all other conditions required by law for reinstatement of the operating privileges or registration rights, complies with all of the following:

(a) Pays a financial responsibility reinstatement fee of seventy-five dollars for the first violation of division (A)(1) of this section, two hundred

fifty dollars for a second violation of that division, and five hundred dollars for a third or subsequent violation of that division;

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code.

~~(B)(1) shall the defendant's, shall license license license the person's the person's license the person the person's license the person the person's in shall license the person's license the person's license, the person's the person's certificate of license shall license may~~ Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(b) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose certificate of registration and license plates have been impounded or are under an order of impoundment, or whose license has been suspended or is under an order of suspension; the serial number of the ~~that~~ person's license; the serial numbers of the ~~that~~ person's certificate of registration and license plates; and the person's social security account number, if assigned, or, where the motor vehicle is used for hire or principally in connection with any established business, the person's federal taxpayer identification number. The information shall be recorded in such a manner that it becomes a part of the person's permanent record, and assists the registrar in monitoring compliance with the orders of suspension or impoundment.

(d) Send written notification to every person to whom the order pertains, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of

this section, any certificate of registration and registration plates under an order of impoundment, or any license under an order of suspension.

(2) The registrar shall issue any order under division (B)(1) of this section without a hearing. Any person adversely affected by the order, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing, provided that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. The person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.

(C) Any order of suspension or impoundment issued under this section or division (B) of section 4509.37 of the Revised Code may be terminated at any time if the registrar determines upon a showing of proof of financial responsibility that the operator or owner of the motor vehicle was in compliance with division (A)(1) of this section at the time of the traffic offense, motor vehicle inspection, or accident that resulted in the order against the person. A determination may be made without a hearing. This division does not apply unless the person shows good cause for the person's failure to present satisfactory proof of financial responsibility to the registrar prior to the issuance of the order.

(D)(1) For the purpose of enforcing this section, every peace officer is deemed an agent of the registrar. Any peace officer who, in the performance of the peace officer's duties as authorized by law, becomes aware of a person whose license is under an order of suspension, or whose certificate of registration and license plates are under an order of impoundment, pursuant to this section, may confiscate the license, certificate of registration, and license plates, and return them to the registrar.

(2) A peace officer shall request the owner or operator of a motor vehicle to produce proof of financial responsibility in a manner described in division (G) of this section at the time the peace officer acts to enforce the traffic laws of this state and during motor vehicle inspections conducted pursuant to section 4513.02 of the Revised Code.

(3) A peace officer shall indicate on every traffic ticket whether the person receiving the traffic ticket produced proof of the maintenance of financial responsibility in response to the officer's request under division (D)(2) of this section. The peace officer shall inform every person who receives a traffic ticket and who has failed to produce proof of the maintenance of financial responsibility that the person must submit proof to the traffic violations bureau with any payment of a fine and costs for the ticketed violation or, if the person is to appear in court for the violation, the person must submit proof to the court.

(4)(a) If a person who has failed to produce proof of the maintenance of financial responsibility appears in court for a ticketed violation, the court may permit the defendant to present evidence of proof of financial responsibility to the court at such time and in such manner as the court determines to be necessary or appropriate. The clerk of courts shall provide the registrar with the identity of any person who fails to submit proof of the maintenance of financial responsibility pursuant to division (D)(3) of this section ~~this this~~.

(b) If a person who has failed to produce proof of the maintenance of financial responsibility also fails to submit that proof to the traffic violations bureau with payment of a fine and costs for the ticketed violation, the traffic violations bureau shall notify the registrar of the identity of that person.

(5)(a) Upon receiving notice from a clerk of courts or traffic violations bureau pursuant to division (D)(4) of this section, the registrar shall notify the person that the person must present the registrar with proof of financial responsibility in accordance with this section, surrender to the registrar the person's certificate of registration, ~~registration~~ license plates, and license, or submit a statement subject to section 2921.13 of the Revised Code that the person did not operate or permit the operation of the motor vehicle at the time of the offense and, if a court appearance was required, did not fail to appear in court on the charge of the traffic offense. Notification shall be in writing and shall be sent to the person at the person's last known address as shown on the records of the bureau of motor vehicles. The person, within fifteen days after the date of the mailing of notification, shall present proof of financial responsibility, surrender the certificate of registration, ~~registration~~ license plates, and license to the registrar in a manner set forth in division (A)(4) of this section, or submit the statement required under this section together with other information the person considers appropriate. The registrar shall make an investigation to determine, upon the basis of the statement and information submitted by the person and other evidence that the registrar may require from the person or discover in the course of the

investigation, whether there is a reasonable basis for believing that the person operated or permitted the operation of the motor vehicle at the time of the traffic offense without the operation being covered by proof of financial responsibility. If the registrar determines that a reasonable basis exists, the registrar shall afford the person an opportunity for hearing, after due notice of the time and place for hearing given to the person in accordance with the provisions of this section, to determine whether the person has violated division (A) of this section.

If the registrar does not receive proof, the person has not surrendered the certificate of registration, ~~registration~~ license plates, and license, in accordance with this division, or the registrar determines, after hearing, that the person operated or permitted the operation in this state of a motor vehicle and has failed to demonstrate proof of financial responsibility as required under this section, the registrar shall order the immediate suspension of the license of the person required under division (A)(2)(a) of this section and the impoundment of the person's certificate of registration and ~~registration~~ license plates required under division (A)(2)(b) of this section.

(b) In the case of a person who presents, within the fifteen-day period, documents to show proof of financial responsibility but fails to demonstrate proof of financial responsibility to the satisfaction of the registrar, the registrar shall order the immediate suspension of the person's license required under division (A)(2)(a) of this section and the impoundment of the registration and ~~registration~~ license plates required under division (A)(2)(b) of this section and shall send written notification to the person, at the person's last known address as shown on the records of the bureau. The person, within ten days after the date of the mailing of the notification, shall surrender to the registrar, in a manner set forth in division (A)(4) of this section, any certificate of registration and ~~registration~~ license plates under an order of impoundment, or any license under an order of suspension.

(c) Any person adversely affected by the order of the registrar under division (D)(5)(a) or (b) of this section, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this section. The registrar shall determine the date, time, and place of any hearing; provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives

a request for a hearing. If requested by the person in writing, the registrar may designate as the place of hearing the county seat of the county in which the person resides or a place within fifty miles of the person's residence. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment under division (D)(5)(a) or (b) of this section is upheld.

(6) A peace officer may charge an owner or operator of a motor vehicle with a violation of division (B)(1) of section 4507.02 of the Revised Code when the owner or operator fails to show proof of the maintenance of financial responsibility pursuant to a peace officer's request under division (D)(2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.

(7) Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the registrar.

(8) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.

(9) As used in this division and divisions (E) and (G) of this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, collected under this section shall be paid into the state treasury to the credit of the financial responsibility compliance fund. The financial responsibility compliance fund shall be used exclusively to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, certificate of registration, and license plates to the registrar pursuant to division (C) of this section, except that the director of budget and management may transfer excess money from the financial responsibility compliance fund to the state bureau of motor vehicles fund if the registrar determines that the amount of money in the financial responsibility compliance fund exceeds the amount required to cover such costs incurred by the bureau or a law enforcement agency and requests the director to make the transfer.

All investment earnings of the financial responsibility compliance fund

shall be credited to the fund.

(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not clearly inconsistent with this section.

(G)(1) The registrar, court, traffic violations bureau, or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents:

(a) A financial responsibility identification card as provided in section 4509.104 of the Revised Code;

(b) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;

(c) A policy of liability insurance, a declaration page of a policy of liability insurance, or liability bond, if the policy or bond complies with section 4509.20 or sections 4509.49 to 4509.61 of the Revised Code;

(d) A bond or certification of the issuance of a bond as provided in section 4509.59 of the Revised Code;

(e) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;

(f) A certificate of self-insurance as provided in section 4509.72 of the Revised Code.

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility

identification card or any other document authorized to be used as proof of financial responsibility under this division does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action commenced by an insured or third-party claimant upon a cause of action alleged to have arisen under an insurance policy or surety bond or by reason of the preparation and delivery of a document for use as proof of financial responsibility.

(c) Whenever it is determined by a final judgment in a judicial proceeding that an insurer or surety, which has been named on a document accepted by a court or the registrar as proof of financial responsibility covering the operation of a motor vehicle at the time of an accident or offense, is not liable to pay a judgment for injuries or damages resulting from such operation, the registrar, notwithstanding any previous contrary finding, shall forthwith suspend the operating privileges and registration rights of the person against whom the judgment was rendered as provided in division (A)(2) of this section.

(H) In order for any document described in division (G)(1)(b) of this section to be used for the demonstration of proof of financial responsibility under this section, the document shall state the name of the insured or obligor, the name of the insurer or surety company, and the effective and expiration dates of the financial responsibility, and designate by explicit description or by appropriate reference all motor vehicles covered which may include a reference to fleet insurance coverage.

(I) For purposes of this section, "owner" does not include a licensed motor vehicle leasing dealer as defined in section 4517.01 of the Revised Code, but does include a motor vehicle renting dealer as defined in section 4549.65 of the Revised Code. Nothing in this section or in section 4509.51 of the Revised Code shall be construed to prohibit a motor vehicle renting dealer from entering into a contractual agreement with a person whereby the person renting the motor vehicle agrees to be solely responsible for maintaining proof of financial responsibility, in accordance with this section, with respect to the operation, maintenance, or use of the motor vehicle during the period of the motor vehicle's rental.

(J) The purpose of this section is to require the maintenance of proof of financial responsibility with respect to the operation of motor vehicles on the highways of this state, so as to minimize those situations in which

persons are not compensated for injuries and damages sustained in motor vehicle accidents. The general assembly finds that this section contains reasonable civil penalties and procedures for achieving this purpose.

(K) Nothing in this section shall be construed to be subject to section 4509.78 of the Revised Code.

(L) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

Sec. 4509.105. (A) any person whose operating privileges have been suspended for a violation of division (A)(1) of section 4509.101 of the Revised Code, which suspension seriously affects the person's ability to continue employment, may petition the registrar of motor vehicles for occupational driving privileges. The person seeking occupational driving privileges shall file proof of financial responsibility with the petition.

(B) Upon receiving a petition pursuant to division (A) of this section, the registrar shall grant the petitioner occupational driving privileges if the registrar determines all of the following:

(1) The petitioner has filed current proof of financial responsibility with the registrar;

(2) the petitioner has not previously had operating privileges suspended for a violation of division (A)(1) of section 4509.101 of the Revised Code;

(3) The petitioner has not had a license or commercial driver's license suspended within the previous five years for repeated traffic offenses pursuant to division (K) of section 4507.021 of the Revised Code;

(4) The petitioner has not been convicted of any criminal or traffic violation within the previous five years for which six points are assessed under the formula provided in division (G) of section 4507.021 of the Revised Code;

(5) The petitioner's license is not subject to suspension for any other reason;

(6) The petitioner has paid or secured all damages caused while driving without proof of financial responsibility;

(7) The petitioner has paid all applicable financial RESPONSIBILITY reinstatement fees or financial RESPONSIBILITY nonvoluntary compliance fees.

(C) the occupational driving privileges granted pursuant to division (B)

of this section shall not be granted during the first thirty days of the petitioner's license suspension.

(D) If a person's license plates have been surrendered or impounded pursuant to section 4509.101 of the Revised Code, the Registrar shall make replacement license plates available upon granting occupational driving privileges pursuant to division (b) of this section.

(E) a PERSON GRANTED OCCUPATIONAL DRIVING PRIVILEGES PURSUANT TO THIS SECTION shall continuously maintain proof OF FINANCIAL RESPONSIBILITY WITH THE REGISTRAR for a period of five years from the date of suspension of operating privileges by the registrar.

(F) THE PETITION FILED PURSUANT TO DIVISION (a) OF THIS SECTION SHALL BE IN A FORM PRESCRIBED BY THE REGISTRAR.

SECTION 2. That existing sections 3937.18 and 4509.101 of the Revised Code are hereby repealed.

SECTION 3. Section 4509.101 of the Revised Code is presented in this act as a composite of the section as amended by both Am. Sub. H.B. 353 and Am. Sub. H.B. 438 of the 121st General Assembly, with the new language of neither of the acts shown in capital letters. This is in recognition of the principle stated in division (B) of section 1.52 of the Revised Code that such amendments are to be harmonized where not substantively irreconcilable and constitutes a legislative finding that such is the resulting version in effect prior to the effective date of this act.

Speaker _____ *of the House of Representatives.*

President _____ *of the Senate.*

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the ___ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____