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Am. Sub. H. B. No. 139

Representatives G. Smith, Gibbs, Barrett, Setzer, Sferra, Driehaus, Koziura,
Faber, Cates, Clancy, Daniels, D. Evans, Fessler, Flowers, Gilb, Hughes,
Martin, Niehaus, Olman, Raussen, Reidelbach, Schmidt, Schneider, Seitz,
J. Stewart, Wolpert

A B I L L

To amend sections 4509.01, 4509.101, 4509.20, 1
4509.41, 4509.45, 4509.51, 4509.53, 4509.59, 2
4509.65, 4509.67, and 4509.80, to enact section 3
2323.57, and to repeal sections 4509.62 and 4
4509.63 of the Revised Code to specify that, under 5
the Financial Responsibility Law, motor-vehicle 6
liability policies remain subject to their terms 7
and conditions, to amend minimum coverage 8
requirements for the Financial Responsibility Law, 9
and to limit damage awards to uninsured motorists 10
and to amend the versions of sections 4509.101, 11
4509.45, and 4509.80 of the Revised Code that are 12
scheduled to take effect January 1, 2004, to 13
continue the provisions of this act on and after 14
that effective date. 15

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

Section 1. That sections 4509.01, 4509.101, 4509.20, 4509.41, 16
4509.45, 4509.51, 4509.53, 4509.59, 4509.65, 4509.67, and 4509.80 17
be amended and section 2323.57 of the Revised Code be enacted to 18

read as follows: 19

Sec. 2323.57. (A) As used in this section: 20

(1) "Proof of financial responsibility" has the same meaning 21
as in section 4509.01 of the Revised Code. 22

(2) "Noneconomic loss" has the same meaning as in section 23
2323.56 of the Revised Code. 24

(B) In any civil action to recover damages for accidental 25
bodily injury incurred during the operation of a motor vehicle, 26
both of the following are applicable to the award of damages: 27

(1) There shall not be any limitation on the award of 28
compensatory damages for economic losses sustained by the 29
plaintiff; 30

(2) Except as provided in division (C) of this section, the 31
plaintiff shall not be awarded damages for noneconomic losses if, 32
at the time of the injury, the plaintiff was operating a motor 33
vehicle owned by the plaintiff without proof of financial 34
responsibility. 35

(C) This section does not apply to wrongful death actions 36
brought pursuant to Chapter 2125. of the Revised Code. 37

Sec. 4509.01. As used in sections 4509.01 to 4509.78 of the 38
Revised Code: 39

(A) "Person" includes every natural person, firm, 40
partnership, association, or corporation. 41

(B) "Driver" means every person who drives or is in actual 42
physical control of a motor vehicle. 43

(C) "License" includes any license, permit, or privilege to 44
operate a motor vehicle issued under the laws of this state 45
including: 46

(1) Any temporary instruction permit or examiner's driving permit;	47 48
(2) The privilege of any person to drive a motor vehicle whether or not such person holds a valid license;	49 50
(3) Any nonresident's operating privilege.	51
(D) "Owner" means a person who holds the legal title of a motor vehicle. If a motor vehicle is the subject of a lease with an immediate right of possession vested in the lessee, the lessee is the owner. A person listed as the owner on a certificate of title on which there is a notation of a security interest is the owner. A buyer or other transferee of a motor vehicle who receives the certificate of title from the seller or transferor listing the seller or transferor thereon as the owner with an assignment of title to the buyer or transferee nonetheless is the owner even though a subsequent certificate of title has not been issued listing the buyer or transferee as the owner.	52 53 54 55 56 57 58 59 60 61 62
(E) "Registration" means registration certificates and registration plates issued under the laws of this state pertaining to the registration of motor vehicles.	63 64 65
(F) "Nonresident" means every person who is not a resident of this state.	66 67
(G) "Nonresident's operating privilege" means the privilege conferred upon a nonresident by the laws of this state pertaining to the operation by such person of a motor vehicle, or the use of a motor vehicle owned by such person, in this state.	68 69 70 71
(H) "Vehicle" means every device by which any person or property may be transported upon a highway, except electric personal assistive mobility devices, devices moved by power collected from overhead electric trolley wires, or used exclusively upon stationary rails or tracks, and except devices	72 73 74 75 76

other than bicycles moved by human power. 77

(I) "Motor vehicle" means every vehicle propelled by power 78
other than muscular power or power collected from overhead 79
electric trolley wires, except motorized bicycles, road rollers, 80
traction engines, power shovels, power cranes and other equipment 81
used in construction work and not designed for or employed in 82
general highway transportation, hole-digging machinery, 83
well-drilling machinery, ditch-digging machinery, farm machinery, 84
threshing machinery, hay baling machinery, and agricultural 85
tractors and machinery used in the production of horticultural, 86
floricultural, agricultural, and vegetable products. 87

(J) "Accident" or "motor vehicle accident" means any accident 88
involving a motor vehicle which results in bodily injury to or 89
death of any person, or damage to the property of any person in 90
excess of four hundred dollars. 91

(K) "Proof of financial responsibility" means proof of 92
ability to respond in damages for liability, on account of 93
accidents occurring subsequent to the effective date of such 94
proof, arising out of the ownership, maintenance, or use of a 95
motor vehicle in the amount of ~~twelve~~ twenty-five thousand ~~five~~ 96
~~hundred~~ dollars because of bodily injury to or death of one person 97
in any one accident, in the amount of ~~twenty-five~~ fifty thousand 98
dollars because of bodily injury to or death of two or more 99
persons in any one accident, and in the amount of ~~seven~~ 100
twenty-five thousand ~~five hundred~~ dollars because of injury to 101
property of others in any one accident. 102

(L) "Motor-vehicle liability policy" means an "owner's 103
policy" or an "operator's policy" of liability insurance, 104
certified as provided in section 4509.46 or 4509.47 of the Revised 105
Code as proof of financial responsibility, and issued, except as 106
provided in section 4509.47 of the Revised Code, by an insurance 107
carrier authorized to do business in this state, to or for the 108

benefit of the person named therein as insured. 109

Sec. 4509.101. (A)(1) No person shall operate, or permit the 110
operation of, a motor vehicle in this state, unless proof of 111
financial responsibility is maintained continuously throughout the 112
registration period with respect to that vehicle, or, in the case 113
of a driver who is not the owner, with respect to that driver's 114
operation of that vehicle. 115

(2) Whoever violates division (A)(1) of this section shall be 116
subject to the following civil penalties: 117

(a) Suspension of the person's operating privileges and 118
impoundment of the person's license until the person complies with 119
division (A)(5) of this section. The suspension shall be for a 120
period of not less than ninety days except that if, within five 121
years of the violation, the person's operating privileges are 122
again suspended and the person's license is impounded one or more 123
times for a violation of division (A)(1) of this section, the 124
suspension shall be for a period of not less than one year. Except 125
as provided by section 4509.105 of the Revised Code, the 126
suspension is not subject to revocation, suspension, or 127
occupational or other limited operating privileges. 128

(b) In addition to the suspension of an owner's license under 129
division (A)(2)(a) of this section, the suspension of the rights 130
of the owner to register the motor vehicle and the impoundment of 131
the owner's certificate of registration and license plates until 132
the owner complies with division (A)(5) of this section. 133

(3) A person to whom this state has issued a certificate of 134
registration for a motor vehicle or a license to operate a motor 135
vehicle or who is determined to have operated any motor vehicle or 136
permitted the operation in this state of a motor vehicle owned by 137
the person shall be required to verify the existence of proof of 138
financial responsibility covering the operation of the motor 139

vehicle or the person's operation of the motor vehicle under any 140
of the following circumstances: 141

(a) The person or a motor vehicle owned by the person is 142
involved in a traffic accident that requires the filing of an 143
accident report under section 4509.06 of the Revised Code. 144

(b) The person receives a traffic ticket indicating that 145
proof of the maintenance of financial responsibility was not 146
produced upon the request of a peace officer or state highway 147
patrol trooper made in accordance with division (D)(2) of this 148
section. 149

(c) Whenever, in accordance with rules adopted by the 150
registrar, the person is randomly selected by the registrar and 151
requested to provide such verification. 152

(4) An order of the registrar that suspends and impounds a 153
license or registration, or both, shall state the date on or 154
before which the person is required to surrender the person's 155
license or certificate of registration and license plates. The 156
person is deemed to have surrendered the license or certificate of 157
registration and license plates, in compliance with the order, if 158
the person does either of the following: 159

(a) On or before the date specified in the order, personally 160
delivers the license or certificate of registration and license 161
plates, or causes the delivery of the items, to the registrar; 162

(b) Mails the license or certificate of registration and 163
license plates to the registrar in an envelope or container 164
bearing a postmark showing a date no later than the date specified 165
in the order. 166

(5) Except as provided in division (A)(6) of this section, 167
the registrar shall not restore any operating privileges or 168
registration rights suspended under this section, return any 169
license, certificate of registration, or license plates impounded 170

under this section, or reissue license plates under section 171
4503.232 of the Revised Code, if the registrar destroyed the 172
impounded license plates under that section, or reissue a license 173
under section 4507.54 of the Revised Code, if the registrar 174
destroyed the suspended license under that section, unless the 175
rights are not subject to suspension or revocation under any other 176
law and unless the person, in addition to complying with all other 177
conditions required by law for reinstatement of the operating 178
privileges or registration rights, complies with all of the 179
following: 180

(a) Pays a financial responsibility reinstatement fee of 181
seventy-five dollars for the first violation of division (A)(1) of 182
this section, two hundred fifty dollars for a second violation of 183
that division, and five hundred dollars for a third or subsequent 184
violation of that division; 185

(b) If the person has not voluntarily surrendered the 186
license, certificate, or license plates in compliance with the 187
order, pays a financial responsibility nonvoluntary compliance fee 188
in an amount, not to exceed fifty dollars, determined by the 189
registrar; 190

(c) Files and continuously maintains proof of financial 191
responsibility under sections 4509.44 to 4509.65 of the Revised 192
Code. 193

(6) If the registrar issues an order under division (A)(2) of 194
this section resulting from the failure of a person to respond to 195
a financial responsibility random verification request under 196
division (A)(3)(c) of this section and the person successfully 197
maintains an affirmative defense to a violation of section 4507.02 198
of the Revised Code or is determined by the registrar or a deputy 199
registrar to have been in compliance with division (A)(1) of this 200
section at the time of the initial financial responsibility random 201
verification request, the registrar shall do both of the 202

following:	203
(a) Terminate the order of suspension or impoundment;	204
(b) Restore the operating privileges and registration rights	205
of the person without payment of the fees established in divisions	206
(A)(5)(a) and (b) of this section and without a requirement to	207
file proof of financial responsibility.	208
(B)(1) Every party required to file an accident report under	209
section 4509.06 of the Revised Code also shall include with the	210
report a document described in division (G)(1) of this section.	211
If the registrar determines, within forty-five days after the	212
report is filed, that an operator or owner has violated division	213
(A)(1) of this section, the registrar shall do all of the	214
following:	215
(a) Order the impoundment, with respect to the motor vehicle	216
involved, required under division (A)(2)(b) of this section, of	217
the certificate of registration and license plates of any owner	218
who has violated division (A)(1) of this section;	219
(b) Order the suspension required under division (A)(2)(a) of	220
this section of the license of any operator or owner who has	221
violated division (A)(1) of this section;	222
(c) Record the name and address of the person whose	223
certificate of registration and license plates have been impounded	224
or are under an order of impoundment, or whose license has been	225
suspended or is under an order of suspension; the serial number of	226
the person's license; the serial numbers of the person's	227
certificate of registration and license plates; and the person's	228
social security account number, if assigned, or, where the motor	229
vehicle is used for hire or principally in connection with any	230
established business, the person's federal taxpayer identification	231
number. The information shall be recorded in such a manner that it	232
becomes a part of the person's permanent record, and assists the	233

registrar in monitoring compliance with the orders of suspension 234
or impoundment. 235

(d) Send written notification to every person to whom the 236
order pertains, at the person's last known address as shown on the 237
records of the bureau. The person, within ten days after the date 238
of the mailing of the notification, shall surrender to the 239
registrar, in a manner set forth in division (A)(4) of this 240
section, any certificate of registration and registration plates 241
under an order of impoundment, or any license under an order of 242
suspension. 243

(2) The registrar shall issue any order under division (B)(1) 244
of this section without a hearing. Any person adversely affected 245
by the order, within ten days after the issuance of the order, may 246
request an administrative hearing before the registrar, who shall 247
provide the person with an opportunity for a hearing in accordance 248
with this paragraph. A request for a hearing does not operate as a 249
suspension of the order. The scope of the hearing shall be limited 250
to whether the person in fact demonstrated to the registrar proof 251
of financial responsibility in accordance with this section. The 252
registrar shall determine the date, time, and place of any 253
hearing, provided that the hearing shall be held, and an order 254
issued or findings made, within thirty days after the registrar 255
receives a request for a hearing. If requested by the person in 256
writing, the registrar may designate as the place of hearing the 257
county seat of the county in which the person resides or a place 258
within fifty miles of the person's residence. The person shall pay 259
the cost of the hearing before the registrar, if the registrar's 260
order of suspension or impoundment is upheld. 261

(C) Any order of suspension or impoundment issued under this 262
section or division (B) of section 4509.37 of the Revised Code may 263
be terminated at any time if the registrar determines upon a 264
showing of proof of financial responsibility that the operator or 265

owner of the motor vehicle was in compliance with division (A)(1) 266
of this section at the time of the traffic offense, motor vehicle 267
inspection, or accident that resulted in the order against the 268
person. A determination may be made without a hearing. This 269
division does not apply unless the person shows good cause for the 270
person's failure to present satisfactory proof of financial 271
responsibility to the registrar prior to the issuance of the 272
order. 273

(D)(1) For the purpose of enforcing this section, every peace 274
officer is deemed an agent of the registrar. 275

(a) Except as provided in division (D)(1)(b) of this section, 276
any peace officer who, in the performance of the peace officer's 277
duties as authorized by law, becomes aware of a person whose 278
license is under an order of suspension, or whose certificate of 279
registration and license plates are under an order of impoundment, 280
pursuant to this section, may confiscate the license, certificate 281
of registration, and license plates, and return them to the 282
registrar. 283

(b) Any peace officer who, in the performance of the peace 284
officer's duties as authorized by law, becomes aware of a person 285
whose license is under an order of suspension, or whose 286
certificate of registration and license plates are under an order 287
of impoundment resulting from failure to respond to a financial 288
responsibility random verification, shall not, for that reason, 289
arrest the owner or operator or seize the vehicle or license 290
plates. Instead, the peace officer shall issue a citation for a 291
violation of division (B)(1) of section 4507.02 of the Revised 292
Code specifying the circumstances as failure to respond to a 293
financial responsibility random verification. 294

(2) A peace officer shall request the owner or operator of a 295
motor vehicle to produce proof of financial responsibility in a 296
manner described in division (G) of this section at the time the 297

peace officer acts to enforce the traffic laws of this state and 298
during motor vehicle inspections conducted pursuant to section 299
4513.02 of the Revised Code. 300

(3) A peace officer shall indicate on every traffic ticket 301
whether the person receiving the traffic ticket produced proof of 302
the maintenance of financial responsibility in response to the 303
officer's request under division (D)(2) of this section. The peace 304
officer shall inform every person who receives a traffic ticket 305
and who has failed to produce proof of the maintenance of 306
financial responsibility that the person must submit proof to the 307
traffic violations bureau with any payment of a fine and costs for 308
the ticketed violation or, if the person is to appear in court for 309
the violation, the person must submit proof to the court. 310

(4)(a) If a person who has failed to produce proof of the 311
maintenance of financial responsibility appears in court for a 312
ticketed violation, the court may permit the defendant to present 313
evidence of proof of financial responsibility to the court at such 314
time and in such manner as the court determines to be necessary or 315
appropriate. The clerk of courts shall provide the registrar with 316
the identity of any person who fails to submit proof of the 317
maintenance of financial responsibility pursuant to division 318
(D)(3) of this section. 319

(b) If a person who has failed to produce proof of the 320
maintenance of financial responsibility also fails to submit that 321
proof to the traffic violations bureau with payment of a fine and 322
costs for the ticketed violation, the traffic violations bureau 323
shall notify the registrar of the identity of that person. 324

(5)(a) Upon receiving notice from a clerk of courts or 325
traffic violations bureau pursuant to division (D)(4) of this 326
section, the registrar shall order the suspension of the license 327
of the person required under division (A)(2)(a) of this section 328
and the impoundment of the person's certificate of registration 329

and license plates required under division (A)(2)(b) of this 330
section, effective thirty days after the date of the mailing of 331
notification. The registrar also shall notify the person that the 332
person must present the registrar with proof of financial 333
responsibility in accordance with this section, surrender to the 334
registrar the person's certificate of registration, license 335
plates, and license, or submit a statement subject to section 336
2921.13 of the Revised Code that the person did not operate or 337
permit the operation of the motor vehicle at the time of the 338
offense. Notification shall be in writing and shall be sent to the 339
person at the person's last known address as shown on the records 340
of the bureau of motor vehicles. The person, within fifteen days 341
after the date of the mailing of notification, shall present proof 342
of financial responsibility, surrender the certificate of 343
registration, license plates, and license to the registrar in a 344
manner set forth in division (A)(4) of this section, or submit the 345
statement required under this section together with other 346
information the person considers appropriate. 347

If the registrar does not receive proof or the person does 348
not surrender the certificate of registration, license plates, and 349
license, in accordance with this division, the registrar shall 350
permit the order for the suspension of the license of the person 351
and the impoundment of the person's certificate of registration 352
and license plates to take effect. 353

(b) In the case of a person who presents, within the 354
fifteen-day period, documents to show proof of financial 355
responsibility, the registrar shall terminate the order of 356
suspension and the impoundment of the registration and license 357
plates required under division (A)(2)(b) of this section and shall 358
send written notification to the person, at the person's last 359
known address as shown on the records of the bureau. 360

(c) Any person adversely affected by the order of the 361

registrar under division (D)(5)(a) or (b) of this section, within 362
ten days after the issuance of the order, may request an 363
administrative hearing before the registrar, who shall provide the 364
person with an opportunity for a hearing in accordance with this 365
paragraph. A request for a hearing does not operate as a 366
suspension of the order. The scope of the hearing shall be limited 367
to whether the person in fact demonstrated to the registrar proof 368
of financial responsibility in accordance with this section. The 369
registrar shall determine the date, time, and place of any 370
hearing; provided, that the hearing shall be held, and an order 371
issued or findings made, within thirty days after the registrar 372
receives a request for a hearing. If requested by the person in 373
writing, the registrar may designate as the place of hearing the 374
county seat of the county in which the person resides or a place 375
within fifty miles of the person's residence. Such person shall 376
pay the cost of the hearing before the registrar, if the 377
registrar's order of suspension or impoundment under division 378
(D)(5)(a) or (b) of this section is upheld. 379

(6) A peace officer may charge an owner or operator of a 380
motor vehicle with a violation of division (B)(1) of section 381
4507.02 of the Revised Code when the owner or operator fails to 382
show proof of the maintenance of financial responsibility pursuant 383
to a peace officer's request under division (D)(2) of this 384
section, if a check of the owner or operator's driving record 385
indicates that the owner or operator, at the time of the operation 386
of the motor vehicle, is required to file and maintain proof of 387
financial responsibility under section 4509.45 of the Revised Code 388
for a previous violation of this chapter. 389

(7) Any forms used by law enforcement agencies in 390
administering this section shall be prescribed, supplied, and paid 391
for by the registrar. 392

(8) No peace officer, law enforcement agency employing a 393

peace officer, or political subdivision or governmental agency 394
that employs a peace officer shall be liable in a civil action for 395
damages or loss to persons arising out of the performance of any 396
duty required or authorized by this section. 397

(9) As used in this division and divisions (E) and (G) of 398
this section, "peace officer" has the meaning set forth in section 399
2935.01 of the Revised Code. 400

(E) All fees, except court costs, collected under this 401
section shall be paid into the state treasury to the credit of the 402
financial responsibility compliance fund. The financial 403
responsibility compliance fund shall be used exclusively to cover 404
costs incurred by the bureau in the administration of this section 405
and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, 406
and by any law enforcement agency employing any peace officer who 407
returns any license, certificate of registration, and license 408
plates to the registrar pursuant to division (C) of this section, 409
except that the director of budget and management may transfer 410
excess money from the financial responsibility compliance fund to 411
the state bureau of motor vehicles fund if the registrar 412
determines that the amount of money in the financial 413
responsibility compliance fund exceeds the amount required to 414
cover such costs incurred by the bureau or a law enforcement 415
agency and requests the director to make the transfer. 416

All investment earnings of the financial responsibility 417
compliance fund shall be credited to the fund. 418

(F) Chapter 119. of the Revised Code applies to this section 419
only to the extent that any provision in that chapter is not 420
clearly inconsistent with this section. 421

(G)(1) The registrar, court, traffic violations bureau, or 422
peace officer may require proof of financial responsibility to be 423
demonstrated by use of a standard form prescribed by the 424

registrar. If the use of a standard form is not required, a person 425
may demonstrate proof of financial responsibility under this 426
section by presenting to the traffic violations bureau, court, 427
registrar, or peace officer any of the following documents or a 428
copy of the documents: 429

(a) A financial responsibility identification card as 430
provided in section ~~4509.104~~ 4509.103 of the Revised Code; 431

(b) A certificate of proof of financial responsibility on a 432
form provided and approved by the registrar for the filing of an 433
accident report required to be filed under section 4509.06 of the 434
Revised Code; 435

(c) A policy of liability insurance, a declaration page of a 436
policy of liability insurance, or liability bond, if the policy or 437
bond complies with section 4509.20 or sections 4509.49 to 4509.61 438
of the Revised Code; 439

(d) A bond or certification of the issuance of a bond as 440
provided in section 4509.59 of the Revised Code; 441

~~(e) A certificate of deposit of money or securities as 442
provided in section 4509.62 of the Revised Code; 443~~

~~(f)~~ A certificate of self-insurance as provided in section 444
4509.72 of the Revised Code. 445

(2) If a person fails to demonstrate proof of financial 446
responsibility in a manner described in division (G)(1) of this 447
section, the person may demonstrate proof of financial 448
responsibility under this section by any other method that the 449
court or the bureau, by reason of circumstances in a particular 450
case, may consider appropriate. 451

(3) A motor carrier certificated by the interstate commerce 452
commission or by the public utilities commission may demonstrate 453
proof of financial responsibility by providing a statement 454

designating the motor carrier's operating authority and averring 455
that the insurance coverage required by the certificating 456
authority is in full force and effect. 457

(4)(a) A finding by the registrar or court that a person is 458
covered by proof of financial responsibility in the form of an 459
insurance policy or surety bond is not binding upon the named 460
insurer or surety or any of its officers, employees, agents, or 461
representatives and has no legal effect except for the purpose of 462
administering this section. 463

(b) The preparation and delivery of a financial 464
responsibility identification card or any other document 465
authorized to be used as proof of financial responsibility under 466
this division does not do any of the following: 467

(i) Create any liability or estoppel against an insurer or 468
surety, or any of its officers, employees, agents, or 469
representatives; 470

(ii) Constitute an admission of the existence of, or of any 471
liability or coverage under, any policy or bond; 472

(iii) Waive any defenses or counterclaims available to an 473
insurer, surety, agent, employee, or representative in an action 474
commenced by an insured or third-party claimant upon a cause of 475
action alleged to have arisen under an insurance policy or surety 476
bond or by reason of the preparation and delivery of a document 477
for use as proof of financial responsibility. 478

(c) Whenever it is determined by a final judgment in a 479
judicial proceeding that an insurer or surety, which has been 480
named on a document accepted by a court or the registrar as proof 481
of financial responsibility covering the operation of a motor 482
vehicle at the time of an accident or offense, is not liable to 483
pay a judgment for injuries or damages resulting from such 484
operation, the registrar, notwithstanding any previous contrary 485

finding, shall forthwith suspend the operating privileges and 486
registration rights of the person against whom the judgment was 487
rendered as provided in division (A)(2) of this section. 488

(H) In order for any document described in division (G)(1)(b) 489
of this section to be used for the demonstration of proof of 490
financial responsibility under this section, the document shall 491
state the name of the insured or obligor, the name of the insurer 492
or surety company, and the effective and expiration dates of the 493
financial responsibility, and designate by explicit description or 494
by appropriate reference all motor vehicles covered which may 495
include a reference to fleet insurance coverage. 496

(I) For purposes of this section, "owner" does not include a 497
licensed motor vehicle leasing dealer as defined in section 498
4517.01 of the Revised Code, but does include a motor vehicle 499
renting dealer as defined in section 4549.65 of the Revised Code. 500
Nothing in this section or in section 4509.51 of the Revised Code 501
shall be construed to prohibit a motor vehicle renting dealer from 502
entering into a contractual agreement with a person whereby the 503
person renting the motor vehicle agrees to be solely responsible 504
for maintaining proof of financial responsibility, in accordance 505
with this section, with respect to the operation, maintenance, or 506
use of the motor vehicle during the period of the motor vehicle's 507
rental. 508

(J) The purpose of this section is to require the maintenance 509
of proof of financial responsibility with respect to the operation 510
of motor vehicles on the highways of this state, so as to minimize 511
those situations in which persons are not compensated for injuries 512
and damages sustained in motor vehicle accidents. The general 513
assembly finds that this section contains reasonable civil 514
penalties and procedures for achieving this purpose. 515

(K) Nothing in this section shall be construed to be subject 516
to section 4509.78 of the Revised Code. 517

(L) The registrar shall adopt rules in accordance with 518
Chapter 119. of the Revised Code that are necessary to administer 519
and enforce this section. The rules shall include procedures for 520
the surrender of license plates upon failure to maintain proof of 521
financial responsibility and provisions relating to reinstatement 522
of registration rights, acceptable forms of proof of financial 523
responsibility, and verification of the existence of financial 524
responsibility during the period of registration. 525

Sec. 4509.20. (A) A policy or bond does not comply with 526
divisions (A)(5), (A)(6), and (A)(7) of section 4509.19 of the 527
Revised Code unless issued by an insurance company or surety 528
company authorized to do business in this state, except as 529
provided in division (B) of this section, or unless such policy or 530
bond is subject, if the accident has resulted in bodily injury or 531
death, to a limit, exclusive of interest and costs, of not less 532
than ~~twelve~~ twenty-five thousand ~~five hundred~~ dollars because of 533
bodily injury to or death of one person in any one accident, and, 534
subject to said limit for one person, to a limit of not less than 535
~~twenty-five~~ fifty thousand dollars because of bodily injury to or 536
death of two or more persons in one accident, and, if the accident 537
has resulted in injury to, or destruction of property, to a limit 538
of not less than ~~seven~~ twenty-five thousand ~~five hundred~~ dollars 539
because of injury to or destruction of property of others in any 540
one accident. 541

(B) A policy or bond does not comply with divisions (A) (5), 542
(A) (6), and (A) (7) of section 4509.19 of the Revised Code with 543
respect to any motor vehicle which was not registered in this 544
state or was a motor vehicle which was registered elsewhere than 545
in this state at the effective date of the policy or bond or the 546
most recent renewal thereof, unless the insurance company or 547
surety company issuing such policy or bond is authorized to do 548

business in this state, or if said company is not authorized to do 549
business in this state unless it executes a power of attorney 550
authorizing the registrar of motor vehicles to accept service on 551
its behalf of notice or process in any action upon such policy or 552
bond arising out of such accident. 553

The registrar may rely upon the accuracy of the information 554
in the required report of a motor vehicle accident as to the 555
existence of insurance or a bond unless the registrar has reason 556
to believe that the information is erroneous. 557

Sec. 4509.41. (A) Judgments are satisfied for the purpose of 558
sections 4509.01 to 4509.78, ~~inclusive,~~ of the Revised Code, in 559
each of the following cases: 560

(1) When ~~twelve~~ twenty-five thousand ~~five hundred~~ dollars has 561
been credited upon any judgments in excess of that amount because 562
of bodily injury to or death of one person as a result of any one 563
accident; 564

(2) When ~~the sum of twenty-five~~ fifty thousand dollars has 565
been credited upon any judgments in excess of that amount because 566
of bodily injury to or death of two or more persons as the result 567
of any one accident; 568

(3) When ~~seven~~ twenty-five thousand ~~five hundred~~ dollars has 569
been credited upon any judgments rendered in excess of that amount 570
because of injury to property of others as a result of any one 571
accident. 572

(B) Payments made in settlements of any claims because of 573
bodily injury, death, or property damage arising from such 574
accident shall be credited in reduction of the amounts provided 575
for in this section. 576

Sec. 4509.45. Proof of financial responsibility when required 577
under section 4507.022, 4509.101, 4509.32, 4509.33, 4509.34, 578

4509.38, 4509.40, 4509.42, or 4509.44 of the Revised Code may be 579
given by filing any of the following: 580

(A) A financial responsibility identification card as 581
provided in section 4509.104 of the Revised Code; 582

(B) A certificate of insurance as provided in section 4509.46 583
or 4509.47 of the Revised Code; 584

(C) A bond as provided in section 4509.59 of the Revised 585
Code; 586

~~(D) A certificate of deposit of money or securities as 587
provided in section 4509.62 of the Revised Code; 588~~

~~(E)~~ A certificate of self-insurance, as provided in section 589
4509.72 of the Revised Code, supplemented by an agreement by the 590
self-insurer that, with respect to accidents occurring while the 591
certificate is in force, ~~he~~ the self-insurer will pay the same 592
amounts that an insurer would have been obligated to pay under an 593
owner's motor vehicle liability policy if it had issued such a 594
policy to the self-insurer. 595

Such proof shall be filed and maintained for five years from 596
the date of suspension of operating privileges by the registrar of 597
motor vehicles. 598

Sec. 4509.51. ~~Every~~ Subject to the terms and conditions of an 599
owner's policy, every owner's policy of liability insurance: 600

(A) Shall designate by explicit description or by appropriate 601
reference all motor vehicles with respect to which coverage is 602
thereby granted; 603

(B) Shall insure the person named therein and any other 604
person, as insured, using any such motor vehicles with the express 605
or implied permission of the insured, against loss from the 606
liability imposed by law for damages arising out of the ownership, 607

maintenance, or use of such vehicles within the United States or 608
~~the Dominion of~~ Canada, subject to monetary limits exclusive of 609
interest and costs, with respect to each such motor vehicle, as 610
follows: 611

(1) ~~Twelve~~ Twenty-five thousand ~~five hundred~~ dollars because 612
of bodily injury to or death of one person in any one accident; 613

(2) ~~Twenty-five~~ Fifty thousand dollars because of bodily 614
injury to or death of two or more persons in any one accident; 615

(3) ~~Seven~~ Twenty-five thousand ~~five hundred~~ dollars because 616
of injury to property of others in any one accident. 617

Sec. 4509.53. Every motor-vehicle liability policy is subject 618
to the following provisions which need not be contained therein: 619
620

(A) ~~The~~ Subject to the terms and conditions of the policy, 621
the liability of the insurance carrier with respect to the 622
insurance required by sections 4509.01 to 4509.78, ~~inclusive,~~ of 623
the Revised Code, shall become ~~absolute~~ conclusive whenever injury 624
or damage covered by the policy occurs; the policy shall not be 625
canceled or annulled as to such liability by any agreement between 626
the insurance carrier and the insured after the occurrence of the 627
injury; no statement made by the insured or on ~~his~~ the insured's 628
behalf ~~and no violation of the policy~~ shall defeat or void the 629
policy. 630

(B) The satisfaction by the insured of a judgment for such 631
injury or damage shall not be a condition precedent to the right 632
or duty of the insurance carrier to make payment on account of 633
such injury or damage. 634

(C) The insurance carrier may settle any claim covered by the 635
policy, and if such settlement is made in good faith, the amount 636
thereof shall be deductible from the limits of liability specified 637

in division (B) of section 4509.51 of the Revised Code. 638

(D) The policy, the written application therefor, and any 639
rider or indorsement which does not conflict with sections 4509.01 640
to 4509.78, ~~inclusive~~, of the Revised Code, shall constitute the 641
entire contract between the parties. 642

Sec. 4509.59. Proof of financial responsibility may be 643
evidenced by the bond of a surety company duly authorized to 644
transact business within this state, or a bond with at least two 645
individual sureties each owning real estate within this state, and 646
together having equities equal in value to at least twice the 647
amount of ~~such the bond; the.~~ Any such real estate shall be 648
scheduled in the bond approved by a judge of a court of record ~~and~~ 649
~~the.~~ The bond shall be conditioned for payment of ~~the amount~~ 650
~~specified in section 4509.62 of the Revised Code~~ thirty thousand 651
dollars. ~~Such~~ The bond shall be filed with the registrar of motor 652
vehicles and shall not be cancelable except after ten days written 653
notice to the registrar ~~of motor vehicles.~~ 654

Sec. 4509.65. The registrar of motor vehicles shall consent 655
to the cancellation of any bond or certificate of insurance ~~or the~~ 656
~~registrar shall direct and the treasurer of state shall return any~~ 657
~~money or securities to the person entitled thereto~~ upon the 658
substitution and acceptance of other adequate proof of financial 659
responsibility in accordance with sections 4509.01 to 4509.78, 660
~~inclusive~~, of the Revised Code. 661

Sec. 4509.67. (A) The registrar of motor vehicles shall, upon 662
request, consent to the immediate cancellation of any bond or 663
certificate of insurance, ~~or shall direct and the treasurer of~~ 664
~~state shall return to the person entitled any money or securities~~ 665
~~deposited under sections 4509.01 to 4509.78 of the Revised Code,~~ 666
as proof of financial responsibility, or the registrar shall waive 667

the requirement of filing proof, in any of the following events: 668

(1) At any time after three years from the date such proof 669
was required when, during the three years preceding the request, 670
the registrar has not received record of a conviction or bail 671
forfeiture ~~which~~ that would require or permit the suspension or 672
revocation of the license, registration, or nonresident's 673
operating privilege of the person by or for whom such proof was 674
furnished and the person's motor vehicle registration has not been 675
suspended for a violation of section 4509.101 of the Revised Code; 676

(2) In the event of the death of the person on whose behalf 677
such proof was filed or the permanent incapacity of such person to 678
operate a motor vehicle; 679

(3) In the event the person who has given proof surrenders 680
~~his~~ the person's license and registration to the registrar. 681

(B) The registrar shall not consent to the cancellation of 682
any bond ~~or the return of any money or securities~~ if any action 683
for damages upon a liability covered by such proof is pending, or 684
any judgment upon any such liability is unsatisfied, or in the 685
event the person who has filed such bond ~~or deposited such money~~ 686
~~or securities~~ has within two years immediately preceding such 687
request been involved as a driver or owner in any ~~motor vehicle~~ 688
motor vehicle accident resulting in injury to the person or 689
property of others. An affidavit of the applicant as to the 690
nonexistence of such facts, or that ~~he~~ the applicant has been 691
released from all liability, or has been finally adjudicated not 692
liable, for such injury may be accepted as evidence thereof in the 693
absence of evidence to the contrary in the records of the 694
registrar. 695

(C) Whenever any person whose proof has been canceled ~~or~~ 696
~~returned~~ under division (A)(3) of this section applies for a 697
license or registration within a period of three years from the 698

date proof was originally required, any such application shall be 699
refused unless the applicant re-establishes proof of financial 700
responsibility for the remainder of the three-year period. 701

Sec. 4509.80. (A) Every owner registering a chauffeured 702
limousine shall furnish and maintain proof of financial 703
responsibility with respect to the limousine by filing with the 704
registrar of motor vehicles any of the following: 705

(1) A certificate of insurance as provided in section 4509.46 706
or 4509.47 of the Revised Code; 707

(2) A policy of liability insurance, a declaration page of a 708
policy of liability insurance, or liability bond, if the policy or 709
bond provides coverage in accordance with division (B) of this 710
section and otherwise complies with sections 4509.49 to 4509.61 of 711
the Revised Code, and if the policy or bond provides that such 712
policy or bond shall not be canceled or terminated prior to not 713
less than ten days after a written notice of cancellation or 714
termination is filed with the registrar; 715

(3) A bond or certification of the issuance of a bond if the 716
bond provides coverage in the amount of three hundred thousand 717
dollars and otherwise complies with section 4509.59 of the Revised 718
Code; 719

~~(4) A certificate of deposit of money or securities if the 720
certificate of deposit provides coverage in the amount of three 721
hundred thousand dollars and otherwise complies with section 722
4509.62 of the Revised Code; 723~~

~~(5) A certificate of self-insurance as provided in section 724
4509.72 of the Revised Code. 725~~

(B) As used in this section and section 4509.81 of the 726
Revised Code, "proof of financial responsibility" means proof of 727
ability to respond in damages for liability, on account of 728

accidents occurring subsequent to the effective date of such 729
proof, arising out of the ownership, maintenance, or use of a 730
chauffeured limousine in the amount of one hundred thousand 731
dollars because of bodily injury to or death of one person in any 732
one accident, three hundred thousand dollars because of bodily 733
injury to or death of two or more persons in any one accident, and 734
fifty thousand dollars because of injury to property of others in 735
any one accident. 736

(C) Upon the request of a law enforcement officer, the 737
operator of any chauffeured limousine shall produce proof of 738
compliance with this section. The law enforcement officer 739
requesting such proof shall notify the registrar of any violation 740
of this section. The notice to the registrar shall be on a form 741
prescribed by the registrar and supplied by the registrar at the 742
registrar's expense, and shall include the license plate number of 743
the chauffeured limousine and any other information the registrar 744
requires. 745

(D) The owner, or ~~his~~ the owner's designee, shall provide 746
written notice to the registrar of cancellation or termination of 747
the coverage required by this section not less than ten days prior 748
to the effective date of cancellation, and, on or before the 749
effective date of cancellation, shall voluntarily surrender the 750
livery license plate sticker for the vehicle or vehicles for which 751
the cancellation is effective. If the livery license plate sticker 752
is timely and voluntarily surrendered, the registrar shall, upon 753
the filing of proof of financial responsibility as required by 754
this section, reinstate the livery registration of the vehicle and 755
issue a current livery license plate sticker for the vehicle. 756

Section 2. That existing sections 4509.01, 4509.101, 4509.20, 757
4509.41, 4509.45, 4509.51, 4509.53, 4509.59, 4509.65, 4509.67, and 758
4509.80, and sections 4509.62 and 4509.63 of the Revised Code are 759

hereby repealed. 760

Section 3. Sections 4509.01, 4509.20, 4509.41, 4509.51, and 761
4509.53 of the Revised Code, as amended by this act, apply only 762
with respect to new insurance policies or bonds, and renewals of 763
insurance policies or bonds, that are issued on or after the 764
effective date of this act. 765

Section 4. Upon the effective date of this act, the Registrar 766
of Motor Vehicles shall send notice to each person who has 767
deposited money or securities with the Treasurer of State in 768
accordance with sections 4509.62 and 4509.63 of the Revised Code, 769
as repealed by this act. The notice shall inform such persons that 770
they must, within ninety days after receiving the notice, submit 771
to the Registrar proof of financial responsibility in another 772
manner approved by the Registrar. Upon receiving such proof, the 773
Registrar shall direct the Treasurer of State to return the money 774
or securities deposited by each such person. The Treasurer of 775
State shall promptly comply with the Registrar's request. 776

Section 5. That the versions of sections 4509.101, 4509.45, 777
and 4509.80 of the Revised Code that are scheduled to take effect 778
January 1, 2004, be amended to read as follows: 779

Sec. 4509.101. (A)(1) No person shall operate, or permit the 780
operation of, a motor vehicle in this state, unless proof of 781
financial responsibility is maintained continuously throughout the 782
registration period with respect to that vehicle, or, in the case 783
of a driver who is not the owner, with respect to that driver's 784
operation of that vehicle. 785

(2) Whoever violates division (A)(1) of this section shall be 786
subject to the following civil penalties: 787

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class E suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. No court may grant limited driving privileges during the suspension.

(d) In addition to the suspension of an owner's license under division (A)(2)(a), (b), or (c) of this section, the suspension of

the rights of the owner to register the motor vehicle and the 820
impoundment of the owner's certificate of registration and license 821
plates until the owner complies with division (A)(5) of this 822
section. 823

(3) A person to whom this state has issued a certificate of 824
registration for a motor vehicle or a license to operate a motor 825
vehicle or who is determined to have operated any motor vehicle or 826
permitted the operation in this state of a motor vehicle owned by 827
the person shall be required to verify the existence of proof of 828
financial responsibility covering the operation of the motor 829
vehicle or the person's operation of the motor vehicle under any 830
of the following circumstances: 831

(a) The person or a motor vehicle owned by the person is 832
involved in a traffic accident that requires the filing of an 833
accident report under section 4509.06 of the Revised Code. 834

(b) The person receives a traffic ticket indicating that 835
proof of the maintenance of financial responsibility was not 836
produced upon the request of a peace officer or state highway 837
patrol trooper made in accordance with division (D)(2) of this 838
section. 839

(c) Whenever, in accordance with rules adopted by the 840
registrar, the person is randomly selected by the registrar and 841
requested to provide such verification. 842

(4) An order of the registrar that suspends and impounds a 843
license or registration, or both, shall state the date on or 844
before which the person is required to surrender the person's 845
license or certificate of registration and license plates. The 846
person is deemed to have surrendered the license or certificate of 847
registration and license plates, in compliance with the order, if 848
the person does either of the following: 849

(a) On or before the date specified in the order, personally 850

delivers the license or certificate of registration and license 851
plates, or causes the delivery of the items, to the registrar; 852

(b) Mails the license or certificate of registration and 853
license plates to the registrar in an envelope or container 854
bearing a postmark showing a date no later than the date specified 855
in the order. 856

(5) Except as provided in division (A)(6) or (L) of this 857
section, the registrar shall not restore any operating privileges 858
or registration rights suspended under this section, return any 859
license, certificate of registration, or license plates impounded 860
under this section, or reissue license plates under section 861
4503.232 of the Revised Code, if the registrar destroyed the 862
impounded license plates under that section, or reissue a license 863
under section 4510.52 of the Revised Code, if the registrar 864
destroyed the suspended license under that section, unless the 865
rights are not subject to suspension or revocation under any other 866
law and unless the person, in addition to complying with all other 867
conditions required by law for reinstatement of the operating 868
privileges or registration rights, complies with all of the 869
following: 870

(a) Pays a financial responsibility reinstatement fee of 871
seventy-five dollars for the first violation of division (A)(1) of 872
this section, two hundred fifty dollars for a second violation of 873
that division, and five hundred dollars for a third or subsequent 874
violation of that division; 875

(b) If the person has not voluntarily surrendered the 876
license, certificate, or license plates in compliance with the 877
order, pays a financial responsibility nonvoluntary compliance fee 878
in an amount, not to exceed fifty dollars, determined by the 879
registrar; 880

(c) Files and continuously maintains proof of financial 881

responsibility under sections 4509.44 to 4509.65 of the Revised Code. 882
883

(6) If the registrar issues an order under division (A)(2) of 884
this section resulting from the failure of a person to respond to 885
a financial responsibility random verification request under 886
division (A)(3)(c) of this section and the person successfully 887
maintains an affirmative defense to a violation of section 4510.16 888
of the Revised Code or is determined by the registrar or a deputy 889
registrar to have been in compliance with division (A)(1) of this 890
section at the time of the initial financial responsibility random 891
verification request, the registrar shall do both of the 892
following: 893

(a) Terminate the order of suspension or impoundment; 894

(b) Restore the operating privileges and registration rights 895
of the person without payment of the fees established in divisions 896
(A)(5)(a) and (b) of this section and without a requirement to 897
file proof of financial responsibility. 898

(B)(1) Every party required to file an accident report under 899
section 4509.06 of the Revised Code also shall include with the 900
report a document described in division (G)(1) of this section. 901

If the registrar determines, within forty-five days after the 902
report is filed, that an operator or owner has violated division 903
(A)(1) of this section, the registrar shall do all of the 904
following: 905

(a) Order the impoundment, with respect to the motor vehicle 906
involved, required under division (A)(2)(d) of this section, of 907
the certificate of registration and license plates of any owner 908
who has violated division (A)(1) of this section; 909

(b) Order the suspension required under division (A)(2)(a), 910
(b), or (c) of this section of the license of any operator or 911
owner who has violated division (A)(1) of this section; 912

(c) Record the name and address of the person whose 913
certificate of registration and license plates have been impounded 914
or are under an order of impoundment, or whose license has been 915
suspended or is under an order of suspension; the serial number of 916
the person's license; the serial numbers of the person's 917
certificate of registration and license plates; and the person's 918
social security account number, if assigned, or, where the motor 919
vehicle is used for hire or principally in connection with any 920
established business, the person's federal taxpayer identification 921
number. The information shall be recorded in such a manner that it 922
becomes a part of the person's permanent record, and assists the 923
registrar in monitoring compliance with the orders of suspension 924
or impoundment. 925

(d) Send written notification to every person to whom the 926
order pertains, at the person's last known address as shown on the 927
records of the bureau. The person, within ten days after the date 928
of the mailing of the notification, shall surrender to the 929
registrar, in a manner set forth in division (A)(4) of this 930
section, any certificate of registration and registration plates 931
under an order of impoundment, or any license under an order of 932
suspension. 933

(2) The registrar shall issue any order under division (B)(1) 934
of this section without a hearing. Any person adversely affected 935
by the order, within ten days after the issuance of the order, may 936
request an administrative hearing before the registrar, who shall 937
provide the person with an opportunity for a hearing in accordance 938
with this paragraph. A request for a hearing does not operate as a 939
suspension of the order. The scope of the hearing shall be limited 940
to whether the person in fact demonstrated to the registrar proof 941
of financial responsibility in accordance with this section. The 942
registrar shall determine the date, time, and place of any 943
hearing, provided that the hearing shall be held, and an order 944

issued or findings made, within thirty days after the registrar 945
receives a request for a hearing. If requested by the person in 946
writing, the registrar may designate as the place of hearing the 947
county seat of the county in which the person resides or a place 948
within fifty miles of the person's residence. The person shall pay 949
the cost of the hearing before the registrar, if the registrar's 950
order of suspension or impoundment is upheld. 951

(C) Any order of suspension or impoundment issued under this 952
section or division (B) of section 4509.37 of the Revised Code may 953
be terminated at any time if the registrar determines upon a 954
showing of proof of financial responsibility that the operator or 955
owner of the motor vehicle was in compliance with division (A)(1) 956
of this section at the time of the traffic offense, motor vehicle 957
inspection, or accident that resulted in the order against the 958
person. A determination may be made without a hearing. This 959
division does not apply unless the person shows good cause for the 960
person's failure to present satisfactory proof of financial 961
responsibility to the registrar prior to the issuance of the 962
order. 963

(D)(1) For the purpose of enforcing this section, every peace 964
officer is deemed an agent of the registrar. 965

(a) Except as provided in division (D)(1)(b) of this section, 966
any peace officer who, in the performance of the peace officer's 967
duties as authorized by law, becomes aware of a person whose 968
license is under an order of suspension, or whose certificate of 969
registration and license plates are under an order of impoundment, 970
pursuant to this section, may confiscate the license, certificate 971
of registration, and license plates, and return them to the 972
registrar. 973

(b) Any peace officer who, in the performance of the peace 974
officer's duties as authorized by law, becomes aware of a person 975
whose license is under an order of suspension, or whose 976

certificate of registration and license plates are under an order 977
of impoundment resulting from failure to respond to a financial 978
responsibility random verification, shall not, for that reason, 979
arrest the owner or operator or seize the vehicle or license 980
plates. Instead, the peace officer shall issue a citation for a 981
violation of section 4510.16 of the Revised Code specifying the 982
circumstances as failure to respond to a financial responsibility 983
random verification. 984

(2) A peace officer shall request the owner or operator of a 985
motor vehicle to produce proof of financial responsibility in a 986
manner described in division (G) of this section at the time the 987
peace officer acts to enforce the traffic laws of this state and 988
during motor vehicle inspections conducted pursuant to section 989
4513.02 of the Revised Code. 990

(3) A peace officer shall indicate on every traffic ticket 991
whether the person receiving the traffic ticket produced proof of 992
the maintenance of financial responsibility in response to the 993
officer's request under division (D)(2) of this section. The peace 994
officer shall inform every person who receives a traffic ticket 995
and who has failed to produce proof of the maintenance of 996
financial responsibility that the person must submit proof to the 997
traffic violations bureau with any payment of a fine and costs for 998
the ticketed violation or, if the person is to appear in court for 999
the violation, the person must submit proof to the court. 1000

(4)(a) If a person who has failed to produce proof of the 1001
maintenance of financial responsibility appears in court for a 1002
ticketed violation, the court may permit the defendant to present 1003
evidence of proof of financial responsibility to the court at such 1004
time and in such manner as the court determines to be necessary or 1005
appropriate. The clerk of courts shall provide the registrar with 1006
the identity of any person who fails to submit proof of the 1007
maintenance of financial responsibility pursuant to division 1008

(D)(3) of this section. 1009

(b) If a person who has failed to produce proof of the 1010
maintenance of financial responsibility also fails to submit that 1011
proof to the traffic violations bureau with payment of a fine and 1012
costs for the ticketed violation, the traffic violations bureau 1013
shall notify the registrar of the identity of that person. 1014

(5)(a) Upon receiving notice from a clerk of courts or 1015
traffic violations bureau pursuant to division (D)(4) of this 1016
section, the registrar shall order the suspension of the license 1017
of the person required under division (A)(2)(a), (b), or (c) of 1018
this section and the impoundment of the person's certificate of 1019
registration and license plates required under division (A)(2)(d) 1020
of this section, effective thirty days after the date of the 1021
mailing of notification. The registrar also shall notify the 1022
person that the person must present the registrar with proof of 1023
financial responsibility in accordance with this section, 1024
surrender to the registrar the person's certificate of 1025
registration, license plates, and license, or submit a statement 1026
subject to section 2921.13 of the Revised Code that the person did 1027
not operate or permit the operation of the motor vehicle at the 1028
time of the offense. Notification shall be in writing and shall be 1029
sent to the person at the person's last known address as shown on 1030
the records of the bureau of motor vehicles. The person, within 1031
fifteen days after the date of the mailing of notification, shall 1032
present proof of financial responsibility, surrender the 1033
certificate of registration, license plates, and license to the 1034
registrar in a manner set forth in division (A)(4) of this 1035
section, or submit the statement required under this section 1036
together with other information the person considers appropriate. 1037

If the registrar does not receive proof or the person does 1038
not surrender the certificate of registration, license plates, and 1039
license, in accordance with this division, the registrar shall 1040

permit the order for the suspension of the license of the person 1041
and the impoundment of the person's certificate of registration 1042
and license plates to take effect. 1043

(b) In the case of a person who presents, within the 1044
fifteen-day period, documents to show proof of financial 1045
responsibility, the registrar shall terminate the order of 1046
suspension and the impoundment of the registration and license 1047
plates required under division (A)(2)(d) of this section and shall 1048
send written notification to the person, at the person's last 1049
known address as shown on the records of the bureau. 1050

(c) Any person adversely affected by the order of the 1051
registrar under division (D)(5)(a) or (b) of this section, within 1052
ten days after the issuance of the order, may request an 1053
administrative hearing before the registrar, who shall provide the 1054
person with an opportunity for a hearing in accordance with this 1055
paragraph. A request for a hearing does not operate as a 1056
suspension of the order. The scope of the hearing shall be limited 1057
to whether the person in fact demonstrated to the registrar proof 1058
of financial responsibility in accordance with this section. The 1059
registrar shall determine the date, time, and place of any 1060
hearing; provided, that the hearing shall be held, and an order 1061
issued or findings made, within thirty days after the registrar 1062
receives a request for a hearing. If requested by the person in 1063
writing, the registrar may designate as the place of hearing the 1064
county seat of the county in which the person resides or a place 1065
within fifty miles of the person's residence. Such person shall 1066
pay the cost of the hearing before the registrar, if the 1067
registrar's order of suspension or impoundment under division 1068
(D)(5)(a) or (b) of this section is upheld. 1069

(6) A peace officer may charge an owner or operator of a 1070
motor vehicle with a violation of section 4510.16 of the Revised 1071
Code when the owner or operator fails to show proof of the 1072

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 1105
agency and requests the director to make the transfer. 1106

All investment earnings of the financial responsibility 1107
compliance fund shall be credited to the fund. 1108

(F) Chapter 119. of the Revised Code applies to this section 1109
only to the extent that any provision in that chapter is not 1110
clearly inconsistent with this section. 1111

(G)(1) The registrar, court, traffic violations bureau, or 1112
peace officer may require proof of financial responsibility to be 1113
demonstrated by use of a standard form prescribed by the 1114
registrar. If the use of a standard form is not required, a person 1115
may demonstrate proof of financial responsibility under this 1116
section by presenting to the traffic violations bureau, court, 1117
registrar, or peace officer any of the following documents or a 1118
copy of the documents: 1119

(a) A financial responsibility identification card as 1120
provided in section 4509.103 of the Revised Code; 1121

(b) A certificate of proof of financial responsibility on a 1122
form provided and approved by the registrar for the filing of an 1123
accident report required to be filed under section 4509.06 of the 1124
Revised Code; 1125

(c) A policy of liability insurance, a declaration page of a 1126
policy of liability insurance, or liability bond, if the policy or 1127
bond complies with section 4509.20 or sections 4509.49 to 4509.61 1128
of the Revised Code; 1129

(d) A bond or certification of the issuance of a bond as 1130
provided in section 4509.59 of the Revised Code; 1131

~~(e) A certificate of deposit of money or securities as 1132
provided in section 4509.62 of the Revised Code; 1133~~

~~(f) A certificate of self-insurance as provided in section 1134~~

4509.72 of the Revised Code. 1135

(2) If a person fails to demonstrate proof of financial 1136
responsibility in a manner described in division (G)(1) of this 1137
section, the person may demonstrate proof of financial 1138
responsibility under this section by any other method that the 1139
court or the bureau, by reason of circumstances in a particular 1140
case, may consider appropriate. 1141

(3) A motor carrier certificated by the interstate commerce 1142
commission or by the public utilities commission may demonstrate 1143
proof of financial responsibility by providing a statement 1144
designating the motor carrier's operating authority and averring 1145
that the insurance coverage required by the certificating 1146
authority is in full force and effect. 1147

(4)(a) A finding by the registrar or court that a person is 1148
covered by proof of financial responsibility in the form of an 1149
insurance policy or surety bond is not binding upon the named 1150
insurer or surety or any of its officers, employees, agents, or 1151
representatives and has no legal effect except for the purpose of 1152
administering this section. 1153

(b) The preparation and delivery of a financial 1154
responsibility identification card or any other document 1155
authorized to be used as proof of financial responsibility under 1156
this division does not do any of the following: 1157

(i) Create any liability or estoppel against an insurer or 1158
surety, or any of its officers, employees, agents, or 1159
representatives; 1160

(ii) Constitute an admission of the existence of, or of any 1161
liability or coverage under, any policy or bond; 1162

(iii) Waive any defenses or counterclaims available to an 1163
insurer, surety, agent, employee, or representative in an action 1164
commenced by an insured or third-party claimant upon a cause of 1165

action alleged to have arisen under an insurance policy or surety 1166
bond or by reason of the preparation and delivery of a document 1167
for use as proof of financial responsibility. 1168

(c) Whenever it is determined by a final judgment in a 1169
judicial proceeding that an insurer or surety, which has been 1170
named on a document accepted by a court or the registrar as proof 1171
of financial responsibility covering the operation of a motor 1172
vehicle at the time of an accident or offense, is not liable to 1173
pay a judgment for injuries or damages resulting from such 1174
operation, the registrar, notwithstanding any previous contrary 1175
finding, shall forthwith suspend the operating privileges and 1176
registration rights of the person against whom the judgment was 1177
rendered as provided in division (A)(2) of this section. 1178

(H) In order for any document described in division (G)(1)(b) 1179
of this section to be used for the demonstration of proof of 1180
financial responsibility under this section, the document shall 1181
state the name of the insured or obligor, the name of the insurer 1182
or surety company, and the effective and expiration dates of the 1183
financial responsibility, and designate by explicit description or 1184
by appropriate reference all motor vehicles covered which may 1185
include a reference to fleet insurance coverage. 1186

(I) For purposes of this section, "owner" does not include a 1187
licensed motor vehicle leasing dealer as defined in section 1188
4517.01 of the Revised Code, but does include a motor vehicle 1189
renting dealer as defined in section 4549.65 of the Revised Code. 1190
Nothing in this section or in section 4509.51 of the Revised Code 1191
shall be construed to prohibit a motor vehicle renting dealer from 1192
entering into a contractual agreement with a person whereby the 1193
person renting the motor vehicle agrees to be solely responsible 1194
for maintaining proof of financial responsibility, in accordance 1195
with this section, with respect to the operation, maintenance, or 1196
use of the motor vehicle during the period of the motor vehicle's 1197

rental. 1198

(J) The purpose of this section is to require the maintenance 1199
of proof of financial responsibility with respect to the operation 1200
of motor vehicles on the highways of this state, so as to minimize 1201
those situations in which persons are not compensated for injuries 1202
and damages sustained in motor vehicle accidents. The general 1203
assembly finds that this section contains reasonable civil 1204
penalties and procedures for achieving this purpose. 1205

(K) Nothing in this section shall be construed to be subject 1206
to section 4509.78 of the Revised Code. 1207

(L) The registrar may terminate any suspension imposed under 1208
this section and not require the owner to comply with divisions 1209
(A)(5)(a), (b), and (c) of this section if the registrar with or 1210
without a hearing determines that the owner of the vehicle has 1211
established by clear and convincing evidence that all of the 1212
following apply: 1213

(1) The owner customarily maintains proof of financial 1214
responsibility. 1215

(2) Proof of financial responsibility was not in effect for 1216
the vehicle on the date in question for one of the following 1217
reasons: 1218

(a) The vehicle was inoperable. 1219

(b) The vehicle is operated only seasonally, and the date in 1220
question was outside the season of operation. 1221

(c) A person other than the vehicle owner or driver was at 1222
fault for the lapse of proof of financial responsibility through 1223
no fault of the owner or driver. 1224

(d) The lapse of proof of financial responsibility was caused 1225
by excusable neglect under circumstances that are not likely to 1226
recur and do not suggest a purpose to evade the requirements of 1227

this chapter.	1228
(3) The owner or driver has not previously been granted relief under division (L) of this section.	1229 1230
(M) 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.	1231 1232 1233 1234 1235 1236 1237 1238
Sec. 4509.45. (A) Proof of financial responsibility when required under section 4509.101, 4509.33, 4509.34, 4509.38, 4509.40, 4509.42, 4509.44, or 4510.038 of the Revised Code may be given by filing any of the following:	1239 1240 1241 1242
(1) A financial responsibility identification card as provided in section 4509.104 of the Revised Code;	1243 1244
(2) A certificate of insurance as provided in section 4509.46 or 4509.47 of the Revised Code;	1245 1246
(3) A bond as provided in section 4509.59 of the Revised Code;	1247 1248
(4) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;	1249 1250
(5) A certificate of self-insurance, as provided in section 4509.72 of the Revised Code, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, the self-insurer will pay the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to the self-insurer.	1251 1252 1253 1254 1255 1256 1257

(B) Proof under division (A) of this section shall be filed 1258
and maintained for five years from the date of the registrar's 1259
imposition of a class A, B, or C suspension of operating 1260
privileges and shall be filed and maintained for three years from 1261
the date of the registrar's imposition of a class D, E, or F 1262
suspension of operating privileges. 1263

Sec. 4509.80. (A) Every owner registering a chauffeured 1264
limousine shall furnish and maintain proof of financial 1265
responsibility with respect to the limousine by filing with the 1266
registrar of motor vehicles any of the following: 1267

(1) A certificate of insurance as provided in section 4509.46 1268
or 4509.47 of the Revised Code; 1269

(2) A policy of liability insurance, a declaration page of a 1270
policy of liability insurance, or liability bond, if the policy or 1271
bond provides coverage in accordance with division (B) of this 1272
section and otherwise complies with sections 4509.49 to 4509.61 of 1273
the Revised Code, and if the policy or bond provides that such 1274
policy or bond shall not be canceled or terminated prior to not 1275
less than ten days after a written notice of cancellation or 1276
termination is filed with the registrar; 1277

(3) A bond or certification of the issuance of a bond if the 1278
bond provides coverage in the amount of three hundred thousand 1279
dollars and otherwise complies with section 4509.59 of the Revised 1280
Code; 1281

~~(4) A certificate of deposit of money or securities if the 1282
certificate of deposit provides coverage in the amount of three 1283
hundred thousand dollars and otherwise complies with section 1284
4509.62 of the Revised Code; 1285~~

~~(5) A certificate of self-insurance as provided in section 1286
4509.72 of the Revised Code. 1287~~

(B) As used in this section and section 4509.81 of the Revised Code, "proof of financial responsibility" means proof of ability to respond in damages for liability, on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a chauffeured limousine in the amount of one hundred thousand dollars because of bodily injury to or death of one person in any one accident, three hundred thousand dollars because of bodily injury to or death of two or more persons in any one accident, and fifty thousand dollars because of injury to property of others in any one accident.

(C) Upon the request of a law enforcement officer, the operator of any chauffeured limousine shall produce proof of compliance with this section. The law enforcement officer requesting such proof shall notify the registrar of any violation of this section. The notice to the registrar shall be on a form prescribed by the registrar and supplied by the registrar at the registrar's expense, and shall include the license plate number of the chauffeured limousine and any other information the registrar requires.

(D) The owner, or the owner's designee, shall provide written notice to the registrar of cancellation or termination of the coverage required by this section not less than ten days prior to the effective date of cancellation, and, on or before the effective date of cancellation, shall voluntarily surrender the livery license plate sticker for the vehicle or vehicles for which the cancellation is effective. If the livery license plate sticker is timely and voluntarily surrendered, the registrar shall, upon the filing of proof of financial responsibility as required by this section, reinstate the livery registration of the vehicle and issue a current livery license plate sticker for the vehicle.

(E) Whoever violates this section is guilty of a misdemeanor

of the first degree. 1320

Section 6. That the existing versions of sections 4509.101, 1321
4509.45, and 4509.80 of the Revised Code that are scheduled to 1322
take effect on January 1, 2004, are hereby repealed. 1323

Section 7. Sections 5 and 6 of this act shall take effect 1324
January 1, 2004. 1325