

As Introduced

**127th General Assembly
Regular Session
2007-2008**

H. B. No. 542

Representative Stewart, J.

**Cosponsors: Representatives Gardner, McGregor, J., Otterman, J.,
Wachtmann, Batchelder**

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A B I L L

To amend sections 4510.037 and 4510.038 of the 1
Revised Code to eliminate the requirement that at 2
least 50% of adult remedial driving courses be 3
taken in person. 4

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

Section 1. That sections 4510.037 and 4510.038 of the Revised 5
Code be amended to read as follows: 6

Sec. 4510.037. (A) When the registrar of motor vehicles 7
determines that the total points charged against any person under 8
section 4510.036 of the Revised Code exceed five, the registrar 9
shall send a warning letter to the person at the person's last 10
known address by regular mail. The warning letter shall list the 11
reported violations that are the basis of the points charged, list 12
the number of points charged for each violation, and outline the 13
suspension provisions of this section. 14

(B) When the registrar determines that the total points 15
charged against any person under section 4510.036 of the Revised 16
Code within any two-year period beginning on the date of the first 17
conviction within the two-year period is equal to twelve or more, 18

the registrar shall send a written notice to the person at the
person's last known address by regular mail. The notice shall list
the reported violations that are the basis of the points charged,
list the number of points charged for each violation, and state
that, because the total number of points charged against the
person within the applicable two-year period is equal to twelve or
more, the registrar is imposing a class D suspension of the
person's driver's or commercial driver's license or permit or
nonresident operating privileges for the period of time specified
in division (B)(4) of section 4510.02 of the Revised Code. The
notice also shall state that the suspension is effective on the
twentieth day after the mailing of the notice, unless the person
files a petition appealing the determination and suspension in the
municipal court, county court, or, if the person is under the age
of eighteen, the juvenile division of the court of common pleas in
whose jurisdiction the person resides or, if the person is not a
resident of this state, in the Franklin county municipal court or
juvenile division of the Franklin county court of common pleas. By
filing the appeal of the determination and suspension, the person
agrees to pay the cost of the proceedings in the appeal of the
determination and suspension and alleges that the person can show
cause why the person's driver's or commercial driver's license or
permit or nonresident operating privileges should not be
suspended.

(C)(1) Any person against whom at least two but less than
twelve points have been charged under section 4510.036 of the
Revised Code may enroll in a course of remedial driving
instruction that is approved by the director of public safety.
Upon the person's completion of an approved course of remedial
driving instruction, the person may apply to the registrar on a
form prescribed by the registrar for a credit of two points on the
person's driving record. Upon receipt of the application and proof
of completion of the approved remedial driving course, the

registrar shall approve the two-point credit. The registrar shall 52
not approve any credits for a person who completes an approved 53
course of remedial driving instruction pursuant to a judge's order 54
under section 4510.02 of the Revised Code. 55

(2) In any three-year period, the registrar shall approve 56
only one two-point credit on a person's driving record under 57
division (C)(1) of this section. The registrar shall approve not 58
more than five two-point credits on a person's driving record 59
under division (C)(1) of this section during that person's 60
lifetime. 61

(D) When a judge of a court of record suspends a person's 62
driver's or commercial driver's license or permit or nonresident 63
operating privilege and charges points against the person under 64
section 4510.036 of the Revised Code for the offense that resulted 65
in the suspension, the registrar shall credit that period of 66
suspension against the time of any subsequent suspension imposed 67
under this section for which those points were used to impose the 68
subsequent suspension. When a United States district court that 69
has jurisdiction within this state suspends a person's driver's or 70
commercial driver's license or permit or nonresident operating 71
privileges pursuant to the "Assimilative Crimes Act," 102 Stat. 72
4381 (1988), 18 U.S.C.A. 13, as amended, the district court 73
prepares an abstract pursuant to section 4510.031 of the Revised 74
Code, and the district court charges points against the person 75
under section 4510.036 of the Revised Code for the offense that 76
resulted in the suspension, the registrar shall credit the period 77
of suspension imposed by the district court against the time of 78
any subsequent suspension imposed under this section for which the 79
points were used to impose the subsequent suspension. 80

(E) The registrar, upon the written request of a licensee who 81
files a petition under division (B) of this section, shall furnish 82
the licensee a certified copy of the registrar's record of the 83

convictions and bond forfeitures of the person. This record shall 84
include the name, address, and date of birth of the licensee; the 85
name of the court in which each conviction or bail forfeiture took 86
place; the nature of the offense that was the basis of the 87
conviction or bond forfeiture; and any other information that the 88
registrar considers necessary. If the record indicates that twelve 89
points or more have been charged against the person within a 90
two-year period, it is prima-facie evidence that the person is a 91
repeat traffic offender, and the registrar shall suspend the 92
person's driver's or commercial driver's license or permit or 93
nonresident operating privilege pursuant to division (B) of this 94
section. 95

In hearing the petition and determining whether the person 96
filing the petition has shown cause why the person's driver's or 97
commercial driver's license or permit or nonresident operating 98
privilege should not be suspended, the court shall decide the 99
issue on the record certified by the registrar and any additional 100
relevant, competent, and material evidence that either the 101
registrar or the person whose license is sought to be suspended 102
submits. 103

(F) If a petition is filed under division (B) of this section 104
in a county court, the prosecuting attorney of the county in which 105
the case is pending shall represent the registrar in the 106
proceedings, except that, if the petitioner resides in a municipal 107
corporation within the jurisdiction of the county court, the city 108
director of law, village solicitor, or other chief legal officer 109
of the municipal corporation shall represent the registrar in the 110
proceedings. If a petition is filed under division (B) of this 111
section in a municipal court, the registrar shall be represented 112
in the resulting proceedings as provided in section 1901.34 of the 113
Revised Code. 114

(G) If the court determines from the evidence submitted that 115

a person who filed a petition under division (B) of this section 116
has failed to show cause why the person's driver's or commercial 117
driver's license or permit or nonresident operating privileges 118
should not be suspended, the court shall assess against the person 119
the cost of the proceedings in the appeal of the determination and 120
suspension and shall impose the applicable suspension under this 121
section or suspend all or a portion of the suspension and impose 122
any conditions upon the person that the court considers proper or 123
impose upon the person a community control sanction pursuant to 124
section 2929.15 or 2929.25 of the Revised Code. If the court 125
determines from the evidence submitted that a person who filed a 126
petition under division (B) of this section has shown cause why 127
the person's driver's or commercial driver's license or permit or 128
nonresident operating privileges should not be suspended, the 129
costs of the appeal proceeding shall be paid out of the county 130
treasury of the county in which the proceedings were held. 131

(H) Any person whose driver's or commercial driver's license 132
or permit or nonresident operating privileges are suspended under 133
this section is not entitled to apply for or receive a new 134
driver's or commercial driver's license or permit or to request or 135
be granted nonresident operating privileges during the effective 136
period of the suspension. 137

(I) Upon the termination of any suspension or other penalty 138
imposed under this section involving the surrender of license or 139
permit and upon the request of the person whose license or permit 140
was suspended or surrendered, the registrar shall return the 141
license or permit to the person upon determining that the person 142
has complied with all provisions of section 4510.038 of the 143
Revised Code or, if the registrar destroyed the license or permit 144
pursuant to section 4510.52 of the Revised Code, shall reissue the 145
person's license or permit. 146

(J) Any person whose driver's or commercial driver's license 147

or permit or nonresident operating privileges are suspended as a 148
repeat traffic offender under this section and who, during the 149
suspension, operates any motor vehicle upon any public roads and 150
highways is guilty of a misdemeanor of the first degree, and the 151
court shall sentence the offender to a minimum term of three days 152
in jail. No court shall suspend the first three days of jail time 153
imposed pursuant to this division. 154

(K) The registrar, in accordance with specific statutory 155
authority, may suspend the privilege of driving a motor vehicle on 156
the public roads and highways of this state that is granted to 157
nonresidents by section 4507.04 of the Revised Code. 158

~~(L) Any course of remedial driving instruction the director 159
of public safety approves under this section shall require its 160
students to attend at least fifty per cent of the course in 161
person. The director shall not approve any course of remedial 162
driving instruction that permits its students to take more than 163
fifty per cent of the course in any other manner, including via 164
video teleconferencing or the internet. 165~~

Sec. 4510.038. ~~(A)~~ Any person whose driver's or commercial 166
driver's license or permit is suspended or who is granted limited 167
driving privileges under section 4510.037, under division (H) of 168
section 4511.19, or under section 4510.07 of the Revised Code for 169
a violation of a municipal ordinance that is substantially 170
equivalent to division (B) of section 4511.19 of the Revised Code 171
is not eligible to retain the license, or to have the driving 172
privileges reinstated, until each of the following has occurred: 173

~~(1)~~(A) The person successfully completes a course of remedial 174
driving instruction approved by the director of public safety. A 175
minimum of twenty-five per cent of the number of hours of 176
instruction included in the course shall be devoted to instruction 177
on driver attitude. 178

The course also shall devote a number of hours to instruction 179
in the area of alcohol and drugs and the operation of vehicles. 180
The instruction shall include, but not be limited to, a review of 181
the laws governing the operation of a vehicle while under the 182
influence of alcohol, drugs, or a combination of them, the dangers 183
of operating a vehicle while under the influence of alcohol, 184
drugs, or a combination of them, and other information relating to 185
the operation of vehicles and the consumption of alcoholic 186
beverages and use of drugs. The director, in consultation with the 187
director of alcohol and drug addiction services, shall prescribe 188
the content of the instruction. The number of hours devoted to the 189
area of alcohol and drugs and the operation of vehicles shall 190
comprise a minimum of twenty-five per cent of the number of hours 191
of instruction included in the course. 192

~~(2)(B)~~ The person is examined in the manner provided for in 193
section 4507.20 of the Revised Code, and found by the registrar of 194
motor vehicles to be qualified to operate a motor vehicle; 195

~~(3)(C)~~ The person gives and maintains proof of financial 196
responsibility, in accordance with section 4509.45 of the Revised 197
Code. 198

~~(B) Any course of remedial driving instruction the director 199
of public safety approves under this section shall require its 200
students to attend at least fifty per cent of the course in 201
person. The director shall not approve any course of remedial 202
driving instruction that permits its students to take more than 203
fifty per cent of the course in any other manner, including via 204
video teleconferencing or the internet. 205~~

Section 2. That existing sections 4510.037 and 4510.038 of 206
the Revised Code are hereby repealed. 207