

As Introduced

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Representative Stinziano

**Cosponsors: Representatives Adams, J., Antonio, Bishoff, Duffey, Henne,
Lynch, Mallory, McGregor, Patterson, Pillich, Ramos, Sears**

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A B I L L

To amend sections 4503.20, 4509.101, 4509.102, 1
4509.103, and 4509.45 of the Revised Code to 2
permit a person to present proof of financial 3
responsibility to the Registrar of Motor Vehicles, 4
a peace officer, a traffic violations bureau, or a 5
court through use of an electronic wireless 6
communications device. 7

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

Section 1. That sections 4503.20, 4509.101, 4509.102, 8
4509.103, and 4509.45 of the Revised Code be amended to read as 9
follows: 10

Sec. 4503.20. (A) As used in this section: 11

(1) "Dealer engaged in the business of leasing motor 12
vehicles" means any person engaged in the business of regularly 13
making available, offering to make available, or arranging for 14
another person to use a motor vehicle pursuant to a bailment, 15
lease, or other contractual arrangement. 16

(2) "Motor vehicle" has the meaning set forth in section 17
4509.01 of the Revised Code. 18

(B) An application for the registration of a motor vehicle shall contain a statement, to be signed by the applicant either manually or by electronic signature, that does all of the following:

(1) States that the applicant maintains, or has maintained on the applicant's behalf, proof of financial responsibility at the time of application, and will not operate a motor vehicle in this state, unless the applicant maintains, with respect to that motor vehicle or the operation of such vehicle, proof of financial responsibility;

(2) Contains a brief summary of the purposes and operation of section 4509.101 of the Revised Code, the rights and duties of the applicant under that section, and the penalties for violation of that section;

(3) Warns the applicant that the financial responsibility law does not prevent the possibility that the applicant may be involved in an accident with an owner or operator of a motor vehicle who is without proof of financial responsibility.

(C)(1) A person who purchases any motor vehicle from a licensed motor vehicle dealer who agrees to make application for registration of the motor vehicle on behalf of the purchaser shall sign statements that comply with divisions (B) and (F) of this section. The dealer shall submit the statements to the deputy registrar where the dealer has agreed to make application for registration on behalf of the person.

(2) In the case of a person who leases any motor vehicle from a dealer engaged in the business of leasing motor vehicles who agrees to make application for registration of the motor vehicle on behalf of the lessee, the person shall sign a statement that complies with division (B) of this section, and the dealer shall do either of the following:

(a) Submit the statement signed by the person to the deputy registrar where the dealer has agreed to make application for registration on behalf of the person;

(b) Sign and submit a statement to the deputy registrar that certifies that a statement has been signed and filed with the dealer or incorporated into the lease.

The dealer shall submit to the registrar or deputy registrar to whom the dealer submits the application for registration a statement signed by the person that complies with division (F) of this section.

(D) The registrar of motor vehicles shall prescribe the form of the statements required under divisions (B), (C), and (F) of this section, and the manner or manners in which the statements required under divisions (B) and (F) of this section shall be presented to the applicant. Any statement that is required under divisions (B), (C), and (F) of this section shall be designed to enable the applicant to retain a copy of it.

(E) Nothing within this section shall be construed to excuse a violation of section 4509.101 of the Revised Code. A motor vehicle dealer who makes application for the registration of a motor vehicle on behalf of the purchaser or lessee of the motor vehicle is not liable in damages in any civil action on account of the act of making such application for registration or the content of any such application for registration.

(F) In addition to the statements required by divisions (B) and (C) of this section, a person who makes application for registration of a motor vehicle shall be furnished with a form that lists in plain language all the possible penalties to which a person could be subject for a violation of the financial responsibility law, including driver's license suspensions; all fees, including nonvoluntary compliance and reinstatement fees;

and vehicle immobilization or impoundment. The person shall read 81
the form and either manually or by electronic signature sign the 82
form, which shall be submitted along with the application for 83
registration as provided in this section. The form shall be 84
retained by the registrar or deputy registrar who issues the motor 85
vehicle registration or the registrar's or deputy registrar's 86
successor for a period of two years from the date of issuance of 87
the registration. 88

(G) Upon the registration of a motor vehicle, the owner of 89
the motor vehicle is deemed to have agreed to the production of 90
proof of financial responsibility by the owner or the operator of 91
the motor vehicle, upon the request of a peace officer or state 92
highway patrol trooper made in accordance with division ~~(E)~~(D)(2) 93
of section 4509.101 of the Revised Code. 94

(H) The registrar shall adopt rules governing the renewal of 95
motor vehicle registrations by electronic means and the completion 96
and submission of statements that comply with divisions (B) and 97
(F) of this section. The registrar shall adopt the rules 98
prescribed by this division in accordance with Chapter 119. of the 99
Revised Code. 100

Sec. 4509.101. (A)(1) No person shall operate, or permit the 101
operation of, a motor vehicle in this state, unless proof of 102
financial responsibility is maintained continuously throughout the 103
registration period with respect to that vehicle, or, in the case 104
of a driver who is not the owner, with respect to that driver's 105
operation of that vehicle. 106

(2) Whoever violates division (A)(1) of this section shall be 107
subject to the following civil penalties: 108

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 109
class (F) suspension of the person's driver's license, commercial 110
driver's license, temporary instruction permit, probationary 111

license, or nonresident operating privilege for the period of time 112
specified in division (B)(6) of section 4510.02 of the Revised 113
Code and impoundment of the person's license. 114

(b) If, within five years of the violation, the person's 115
operating privileges are again suspended and the person's license 116
again is impounded for a violation of division (A)(1) of this 117
section, a class C suspension of the person's driver's license, 118
commercial driver's license, temporary instruction permit, 119
probationary license, or nonresident operating privilege for the 120
period of time specified in division (B)(3) of section 4510.02 of 121
the Revised Code. The court may grant limited driving privileges 122
to the person only if the person presents proof of financial 123
responsibility and has complied with division (A)(5) of this 124
section, and no court may grant limited driving privileges for the 125
first fifteen days of the suspension. 126

(c) If, within five years of the violation, the person's 127
operating privileges are suspended and the person's license is 128
impounded two or more times for a violation of division (A)(1) of 129
this section, a class B suspension of the person's driver's 130
license, commercial driver's license, temporary instruction 131
permit, probationary license, or nonresident operating privilege 132
for the period of time specified in division (B)(2) of section 133
4510.02 of the Revised Code. The court may grant limited driving 134
privileges to the person only if the person presents proof of 135
financial responsibility and has complied with division (A)(5) of 136
this section, except that no court may grant limited driving 137
privileges for the first thirty days of the suspension. 138

(d) In addition to the suspension of an owner's license under 139
division (A)(2)(a), (b), or (c) of this section, the suspension of 140
the rights of the owner to register the motor vehicle and the 141
impoundment of the owner's certificate of registration and license 142
plates until the owner complies with division (A)(5) of this 143

section. 144

(3) A person to whom this state has issued a certificate of 145
registration for a motor vehicle or a license to operate a motor 146
vehicle or who is determined to have operated any motor vehicle or 147
permitted the operation in this state of a motor vehicle owned by 148
the person shall be required to verify the existence of proof of 149
financial responsibility covering the operation of the motor 150
vehicle or the person's operation of the motor vehicle under any 151
of the following circumstances: 152

(a) The person or a motor vehicle owned by the person is 153
involved in a traffic accident that requires the filing of an 154
accident report under section 4509.06 of the Revised Code. 155

(b) The person receives a traffic ticket indicating that 156
proof of the maintenance of financial responsibility was not 157
produced upon the request of a peace officer or state highway 158
patrol trooper made in accordance with division (D)(2) of this 159
section. 160

(c) Whenever, in accordance with rules adopted by the 161
registrar, the person is randomly selected by the registrar and 162
requested to provide such verification. 163

(4) An order of the registrar that suspends and impounds a 164
license or registration, or both, shall state the date on or 165
before which the person is required to surrender the person's 166
license or certificate of registration and license plates. The 167
person is deemed to have surrendered the license or certificate of 168
registration and license plates, in compliance with the order, if 169
the person does either of the following: 170

(a) On or before the date specified in the order, personally 171
delivers the license or certificate of registration and license 172
plates, or causes the delivery of the items, to the registrar; 173

(b) Mails the license or certificate of registration and 174

license plates to the registrar in an envelope or container 175
bearing a postmark showing a date no later than the date specified 176
in the order. 177

(5) Except as provided in division (A)(6) or (L) of this 178
section, the registrar shall not restore any operating privileges 179
or registration rights suspended under this section, return any 180
license, certificate of registration, or license plates impounded 181
under this section, or reissue license plates under section 182
4503.232 of the Revised Code, if the registrar destroyed the 183
impounded license plates under that section, or reissue a license 184
under section 4510.52 of the Revised Code, if the registrar 185
destroyed the suspended license under that section, unless the 186
rights are not subject to suspension or revocation under any other 187
law and unless the person, in addition to complying with all other 188
conditions required by law for reinstatement of the operating 189
privileges or registration rights, complies with all of the 190
following: 191

(a) Pays to the registrar or an eligible deputy registrar a 192
financial responsibility reinstatement fee of one hundred dollars 193
for the first violation of division (A)(1) of this section, three 194
hundred dollars for a second violation of that division, and six 195
hundred dollars for a third or subsequent violation of that 196
division; 197

(b) If the person has not voluntarily surrendered the 198
license, certificate, or license plates in compliance with the 199
order, pays to the registrar or an eligible deputy registrar a 200
financial responsibility nonvoluntary compliance fee in an amount, 201
not to exceed fifty dollars, determined by the registrar; 202

(c) Files and continuously maintains proof of financial 203
responsibility under sections 4509.44 to 4509.65 of the Revised 204
Code; 205

(d) Pays a deputy registrar a service fee of ten dollars to 206
compensate the deputy registrar for services performed under this 207
section. The deputy registrar shall retain eight dollars of the 208
service fee and shall transmit the reinstatement fee, any 209
nonvoluntary compliance fee, and two dollars of the service fee to 210
the registrar in the manner the registrar shall determine. 211

(6) If the registrar issues an order under division (A)(2) of 212
this section resulting from the failure of a person to respond to 213
a financial responsibility random verification request under 214
division (A)(3)(c) of this section and the person successfully 215
maintains an affirmative defense to a violation of section 4510.16 216
of the Revised Code or is determined by the registrar or a deputy 217
registrar to have been in compliance with division (A)(1) of this 218
section at the time of the initial financial responsibility random 219
verification request, the registrar shall do both of the 220
following: 221

(a) Terminate the order of suspension or impoundment; 222

(b) Restore the operating privileges and registration rights 223
of the person without payment of the fees established in divisions 224
(A)(5)(a) and (b) of this section and without a requirement to 225
file proof of financial responsibility. 226

(B)(1) Every party required to file an accident report under 227
section 4509.06 of the Revised Code also shall include with the 228
report a document described in division (G)(1)(a) of this section 229
or shall present proof of financial responsibility through use of 230
an electronic wireless communications device as permitted by 231
division (G)(1)(b) of this section. 232

If the registrar determines, within forty-five days after the 233
report is filed, that an operator or owner has violated division 234
(A)(1) of this section, the registrar shall do all of the 235
following: 236

(a) Order the impoundment, with respect to the motor vehicle 237
involved, required under division (A)(2)(d) of this section, of 238
the certificate of registration and license plates of any owner 239
who has violated division (A)(1) of this section; 240

(b) Order the suspension required under division (A)(2)(a), 241
(b), or (c) of this section of the license of any operator or 242
owner who has violated division (A)(1) of this section; 243

(c) Record the name and address of the person whose 244
certificate of registration and license plates have been impounded 245
or are under an order of impoundment, or whose license has been 246
suspended or is under an order of suspension; the serial number of 247
the person's license; the serial numbers of the person's 248
certificate of registration and license plates; and the person's 249
social security account number, if assigned, or, where the motor 250
vehicle is used for hire or principally in connection with any 251
established business, the person's federal taxpayer identification 252
number. The information shall be recorded in such a manner that it 253
becomes a part of the person's permanent record, and assists the 254
registrar in monitoring compliance with the orders of suspension 255
or impoundment. 256

(d) Send written notification to every person to whom the 257
order pertains, at the person's last known address as shown on the 258
records of the bureau. The person, within ten days after the date 259
of the mailing of the notification, shall surrender to the 260
registrar, in a manner set forth in division (A)(4) of this 261
section, any certificate of registration and registration plates 262
under an order of impoundment, or any license under an order of 263
suspension. 264

(2) The registrar shall issue any order under division (B)(1) 265
of this section without a hearing. Any person adversely affected 266
by the order, within ten days after the issuance of the order, may 267
request an administrative hearing before the registrar, who shall 268

provide the person with an opportunity for a hearing in accordance 269
with this paragraph. A request for a hearing does not operate as a 270
suspension of the order. The scope of the hearing shall be limited 271
to whether the person in fact demonstrated to the registrar proof 272
of financial responsibility in accordance with this section. The 273
registrar shall determine the date, time, and place of any 274
hearing, provided that the hearing shall be held, and an order 275
issued or findings made, within thirty days after the registrar 276
receives a request for a hearing. If requested by the person in 277
writing, the registrar may designate as the place of hearing the 278
county seat of the county in which the person resides or a place 279
within fifty miles of the person's residence. The person shall pay 280
the cost of the hearing before the registrar, if the registrar's 281
order of suspension or impoundment is upheld. 282

(C) Any order of suspension or impoundment issued under this 283
section or division (B) of section 4509.37 of the Revised Code may 284
be terminated at any time if the registrar determines upon a 285
showing of proof of financial responsibility that the operator or 286
owner of the motor vehicle was in compliance with division (A)(1) 287
of this section at the time of the traffic offense, motor vehicle 288
inspection, or accident that resulted in the order against the 289
person. A determination may be made without a hearing. This 290
division does not apply unless the person shows good cause for the 291
person's failure to present satisfactory proof of financial 292
responsibility to the registrar prior to the issuance of the 293
order. 294

(D)(1) For the purpose of enforcing this section, every peace 295
officer is deemed an agent of the registrar. 296

(a) Except as provided in division (D)(1)(b) of this section, 297
any peace officer who, in the performance of the peace officer's 298
duties as authorized by law, becomes aware of a person whose 299
license is under an order of suspension, or whose certificate of 300

registration and license plates are under an order of impoundment, 301
pursuant to this section, may confiscate the license, certificate 302
of registration, and license plates, and return them to the 303
registrar. 304

(b) Any peace officer who, in the performance of the peace 305
officer's duties as authorized by law, becomes aware of a person 306
whose license is under an order of suspension, or whose 307
certificate of registration and license plates are under an order 308
of impoundment resulting from failure to respond to a financial 309
responsibility random verification, shall not, for that reason, 310
arrest the owner or operator or seize the vehicle or license 311
plates. Instead, the peace officer shall issue a citation for a 312
violation of section 4510.16 of the Revised Code specifying the 313
circumstances as failure to respond to a financial responsibility 314
random verification. 315

(2) A peace officer shall request the owner or operator of a 316
motor vehicle to produce proof of financial responsibility in a 317
manner described in division (G) of this section at the time the 318
peace officer acts to enforce the traffic laws of this state and 319
during motor vehicle inspections conducted pursuant to section 320
4513.02 of the Revised Code. 321

(3) A peace officer shall indicate on every traffic ticket 322
whether the person receiving the traffic ticket produced proof of 323
the maintenance of financial responsibility in response to the 324
officer's request under division (D)(2) of this section. The peace 325
officer shall inform every person who receives a traffic ticket 326
and who has failed to produce proof of the maintenance of 327
financial responsibility that the person must submit proof to the 328
traffic violations bureau with any payment of a fine and costs for 329
the ticketed violation or, if the person is to appear in court for 330
the violation, the person must submit proof to the court. 331

(4)(a) If a person who has failed to produce proof of the 332

maintenance of financial responsibility appears in court for a 333
ticketed violation, the court may permit the defendant to present 334
evidence of proof of financial responsibility to the court at such 335
time and in such manner as the court determines to be necessary or 336
appropriate. In a manner prescribed by the registrar, the clerk of 337
courts shall provide the registrar with the identity of any person 338
who fails to submit proof of the maintenance of financial 339
responsibility pursuant to division (D)(3) of this section. 340

(b) If a person who has failed to produce proof of the 341
maintenance of financial responsibility also fails to submit that 342
proof to the traffic violations bureau with payment of a fine and 343
costs for the ticketed violation, the traffic violations bureau, 344
in a manner prescribed by the registrar, shall notify the 345
registrar of the identity of that person. 346

(5)(a) Upon receiving notice from a clerk of courts or 347
traffic violations bureau pursuant to division (D)(4) of this 348
section, the registrar shall order the suspension of the license 349
of the person required under division (A)(2)(a), (b), or (c) of 350
this section and the impoundment of the person's certificate of 351
registration and license plates required under division (A)(2)(d) 352
of this section, effective thirty days after the date of the 353
mailing of notification. The registrar also shall notify the 354
person that the person must present the registrar with proof of 355
financial responsibility in accordance with this section, 356
surrender to the registrar the person's certificate of 357
registration, license plates, and license, or submit a statement 358
subject to section 2921.13 of the Revised Code that the person did 359
not operate or permit the operation of the motor vehicle at the 360
time of the offense. Notification shall be in writing and shall be 361
sent to the person at the person's last known address as shown on 362
the records of the bureau of motor vehicles. The person, within 363
fifteen days after the date of the mailing of notification, shall 364

present proof of financial responsibility, surrender the 365
certificate of registration, license plates, and license to the 366
registrar in a manner set forth in division (A)(4) of this 367
section, or submit the statement required under this section 368
together with other information the person considers appropriate. 369

If the registrar does not receive proof or the person does 370
not surrender the certificate of registration, license plates, and 371
license, in accordance with this division, the registrar shall 372
permit the order for the suspension of the license of the person 373
and the impoundment of the person's certificate of registration 374
and license plates to take effect. 375

(b) In the case of a person who presents, within the 376
fifteen-day period, ~~documents to show~~ proof of financial 377
responsibility, the registrar shall terminate the order of 378
suspension and the impoundment of the registration and license 379
plates required under division (A)(2)(d) of this section and shall 380
send written notification to the person, at the person's last 381
known address as shown on the records of the bureau. 382

(c) Any person adversely affected by the order of the 383
registrar under division (D)(5)(a) or (b) of this section, within 384
ten days after the issuance of the order, may request an 385
administrative hearing before the registrar, who shall provide the 386
person with an opportunity for a hearing in accordance with this 387
paragraph. A request for a hearing does not operate as a 388
suspension of the order. The scope of the hearing shall be limited 389
to whether, at the time of the hearing, the person presents proof 390
of financial responsibility covering the vehicle and whether the 391
person is eligible for an exemption in accordance with this 392
section or any rule adopted under it. The registrar shall 393
determine the date, time, and place of any hearing; provided, that 394
the hearing shall be held, and an order issued or findings made, 395
within thirty days after the registrar receives a request for a 396

hearing. If requested by the person in writing, the registrar may 397
designate as the place of hearing the county seat of the county in 398
which the person resides or a place within fifty miles of the 399
person's residence. Such person shall pay the cost of the hearing 400
before the registrar, if the registrar's order of suspension or 401
impoundment under division (D)(5)(a) or (b) of this section is 402
upheld. 403

(6) A peace officer may charge an owner or operator of a 404
motor vehicle with a violation of section 4510.16 of the Revised 405
Code when the owner or operator fails to show proof of the 406
maintenance of financial responsibility pursuant to a peace 407
officer's request under division (D)(2) of this section, if a 408
check of the owner or operator's driving record indicates that the 409
owner or operator, at the time of the operation of the motor 410
vehicle, is required to file and maintain proof of financial 411
responsibility under section 4509.45 of the Revised Code for a 412
previous violation of this chapter. 413

(7) Any forms used by law enforcement agencies in 414
administering this section shall be prescribed, supplied, and paid 415
for by the registrar. 416

(8) No peace officer, law enforcement agency employing a 417
peace officer, or political subdivision or governmental agency 418
that employs a peace officer shall be liable in a civil action for 419
damages or loss to persons arising out of the performance of any 420
duty required or authorized by this section. 421

(9) As used in ~~this division and divisions (E) and (C) of~~ 422
this section, "peace officer" has the meaning set forth in section 423
2935.01 of the Revised Code. 424

(E) All fees, except court costs, fees paid to a deputy 425
registrar, and those portions of the financial responsibility 426
reinstatement fees as otherwise specified in this division, 427

collected under this section shall be paid into the state treasury 428
to the credit of the financial responsibility compliance fund. The 429
financial responsibility compliance fund shall be used exclusively 430
to cover costs incurred by the bureau in the administration of 431
this section and sections 4503.20, 4507.212, and 4509.81 of the 432
Revised Code, and by any law enforcement agency employing any 433
peace officer who returns any license, certificate of 434
registration, and license plates to the registrar pursuant to 435
division (C) of this section, except that the director of budget 436
and management may transfer excess money from the financial 437
responsibility compliance fund to the state bureau of motor 438
vehicles fund if the registrar determines that the amount of money 439
in the financial responsibility compliance fund exceeds the amount 440
required to cover such costs incurred by the bureau or a law 441
enforcement agency and requests the director to make the transfer. 442

Of each financial responsibility reinstatement fee the 443
registrar collects pursuant to division (A)(5)(a) of this section 444
or receives from a deputy registrar under division (A)(5)(d) of 445
this section, the registrar shall deposit twenty-five dollars of 446
each one-hundred-dollar reinstatement fee, fifty dollars of each 447
three-hundred-dollar reinstatement fee, and one hundred dollars of 448
each six-hundred-dollar reinstatement fee into the state treasury 449
to the credit of the indigent defense support fund created by 450
section 120.08 of the Revised Code. 451

All investment earnings of the financial responsibility 452
compliance fund shall be credited to the fund. 453

(F) Chapter 119. of the Revised Code applies to this section 454
only to the extent that any provision in that chapter is not 455
clearly inconsistent with this section. 456

(G)(1)(a) The registrar, court, traffic violations bureau, or 457
peace officer may require proof of financial responsibility to be 458
demonstrated by use of a standard form prescribed by the 459

registrar. If the use of a standard form is not required, a person 460
may demonstrate proof of financial responsibility under this 461
section by presenting to the traffic violations bureau, court, 462
registrar, or peace officer any of the following documents or a 463
copy of the documents: 464

~~(a)(i)~~ A financial responsibility identification card as 465
provided in section 4509.103 of the Revised Code; 466

~~(b)(ii)~~ A certificate of proof of financial responsibility on 467
a form provided and approved by the registrar for the filing of an 468
accident report required to be filed under section 4509.06 of the 469
Revised Code; 470

~~(c)(iii)~~ A policy of liability insurance, a declaration page 471
of a policy of liability insurance, or liability bond, if the 472
policy or bond complies with section 4509.20 or sections 4509.49 473
to 4509.61 of the Revised Code; 474

~~(d)(iv)~~ A bond or certification of the issuance of a bond as 475
provided in section 4509.59 of the Revised Code; 476

~~(e)(v)~~ A certificate of deposit of money or securities as 477
provided in section 4509.62 of the Revised Code; 478

~~(f)(vi)~~ A certificate of self-insurance as provided in 479
section 4509.72 of the Revised Code. 480

(b) A person also may present proof of financial 481
responsibility under this section to the traffic violations 482
bureau, court, registrar, or peace officer through use of an 483
electronic wireless communications device as specified under 484
section 4509.103 of the Revised Code. 485

(2) If a person fails to demonstrate proof of financial 486
responsibility in a manner described in division (G)(1) of this 487
section, the person may demonstrate proof of financial 488
responsibility under this section by any other method that the 489

court or the bureau, by reason of circumstances in a particular 490
case, may consider appropriate. 491

(3) A motor carrier certificated by the interstate commerce 492
commission or by the public utilities commission may demonstrate 493
proof of financial responsibility by providing a statement 494
designating the motor carrier's operating authority and averring 495
that the insurance coverage required by the certificating 496
authority is in full force and effect. 497

(4)(a) A finding by the registrar or court that a person is 498
covered by proof of financial responsibility in the form of an 499
insurance policy or surety bond is not binding upon the named 500
insurer or surety or any of its officers, employees, agents, or 501
representatives and has no legal effect except for the purpose of 502
administering this section. 503

(b) The preparation and delivery of a financial 504
responsibility identification card or any other document 505
authorized to be used as proof of financial responsibility ~~under~~ 506
~~this division~~ and the generation and delivery of proof of 507
financial responsibility to an electronic wireless communications 508
device that is displayed on the device as text or images does not 509
do any of the following: 510

(i) Create any liability or estoppel against an insurer or 511
surety, or any of its officers, employees, agents, or 512
representatives; 513

(ii) Constitute an admission of the existence of, or of any 514
liability or coverage under, any policy or bond; 515

(iii) Waive any defenses or counterclaims available to an 516
insurer, surety, agent, employee, or representative in an action 517
commenced by an insured or third-party claimant upon a cause of 518
action alleged to have arisen under an insurance policy or surety 519
bond or by reason of the preparation and delivery of a document 520

for use as proof of financial responsibility or the generation and 521
delivery of proof of financial responsibility to an electronic 522
wireless communications device. 523

(c) Whenever it is determined by a final judgment in a 524
judicial proceeding that an insurer or surety, which has been 525
named on a document or displayed on an electronic wireless 526
communications device accepted by a court or the registrar as 527
proof of financial responsibility covering the operation of a 528
motor vehicle at the time of an accident or offense, is not liable 529
to pay a judgment for injuries or damages resulting from such 530
operation, the registrar, notwithstanding any previous contrary 531
finding, shall forthwith suspend the operating privileges and 532
registration rights of the person against whom the judgment was 533
rendered as provided in division (A)(2) of this section. 534

(H) In order for any document or display of text or images on 535
an electronic wireless communications device described in division 536
(G)(1)~~(b)~~ of this section to be used for the demonstration of 537
proof of financial responsibility under this section, the document 538
or words or images shall state the name of the insured or obligor, 539
the name of the insurer or surety company, and the effective and 540
expiration dates of the financial responsibility, and designate by 541
explicit description or by appropriate reference all motor 542
vehicles covered which may include a reference to fleet insurance 543
coverage. 544

(I) For purposes of this section, "owner" does not include a 545
licensed motor vehicle leasing dealer as defined in section 546
4517.01 of the Revised Code, but does include a motor vehicle 547
renting dealer as defined in section 4549.65 of the Revised Code. 548
Nothing in this section or in section 4509.51 of the Revised Code 549
shall be construed to prohibit a motor vehicle renting dealer from 550
entering into a contractual agreement with a person whereby the 551
person renting the motor vehicle agrees to be solely responsible 552

for maintaining proof of financial responsibility, in accordance 553
with this section, with respect to the operation, maintenance, or 554
use of the motor vehicle during the period of the motor vehicle's 555
rental. 556

(J) The purpose of this section is to require the maintenance 557
of proof of financial responsibility with respect to the operation 558
of motor vehicles on the highways of this state, so as to minimize 559
those situations in which persons are not compensated for injuries 560
and damages sustained in motor vehicle accidents. The general 561
assembly finds that this section contains reasonable civil 562
penalties and procedures for achieving this purpose. 563

(K) Nothing in this section shall be construed to be subject 564
to section 4509.78 of the Revised Code. 565

(L)(1) The registrar may terminate any suspension imposed 566
under this section and not require the owner to comply with 567
divisions (A)(5)(a), (b), and (c) of this section if the registrar 568
with or without a hearing determines that the owner of the vehicle 569
has established by clear and convincing evidence that all of the 570
following apply: 571

(a) The owner customarily maintains proof of financial 572
responsibility. 573

(b) Proof of financial responsibility was not in effect for 574
the vehicle on the date in question for one of the following 575
reasons: 576

(i) The vehicle was inoperable. 577

(ii) The vehicle is operated only seasonally, and the date in 578
question was outside the season of operation. 579

(iii) A person other than the vehicle owner or driver was at 580
fault for the lapse of proof of financial responsibility through 581
no fault of the owner or driver. 582

(iv) The lapse of proof of financial responsibility was 583
caused by excusable neglect under circumstances that are not 584
likely to recur and do not suggest a purpose to evade the 585
requirements of this chapter. 586

(2) The registrar may grant an owner or driver relief for a 587
reason specified in division (L)(1)(b)(i) or (ii) of this section 588
whenever the owner or driver is randomly selected to verify the 589
existence of proof of financial responsibility for such a vehicle. 590
However, the registrar may grant an owner or driver relief for a 591
reason specified in division (L)(1)(b)(iii) or (iv) of this 592
section only if the owner or driver has not previously been 593
granted relief under division (L)(1)(b)(iii) or (iv) of this 594
section. 595

(M) The registrar shall adopt rules in accordance with 596
Chapter 119. of the Revised Code that are necessary to administer 597
and enforce this section. The rules shall include procedures for 598
the surrender of license plates upon failure to maintain proof of 599
financial responsibility and provisions relating to reinstatement 600
of registration rights, acceptable forms of proof of financial 601
responsibility, the use of an electronic wireless communications 602
device to present proof of financial responsibility, and 603
verification of the existence of financial responsibility during 604
the period of registration. 605

(N)(1) When a person utilizes an electronic wireless 606
communications device to present proof of financial 607
responsibility, only the evidence of financial responsibility 608
displayed on the device shall be viewed by the registrar, peace 609
officer, employee or official of the traffic violations bureau, or 611
the court. No other content of the device shall be viewed for 612
purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless 613
communications device to the registrar, a peace officer, an 614

employee or official of a traffic violations bureau, or the court, 615
the person assumes the risk of any resulting damage to the device 616
unless the registrar, peace officer, employee, or official, or 617
court personnel purposely, knowingly, or recklessly commits an 618
action that results in damage to the device. 619

Sec. 4509.102. No person who has knowingly failed to maintain 620
proof of financial responsibility in accordance with section 621
4509.101 of the Revised Code shall produce any document or present 622
to a peace officer an electronic wireless communications device 623
that is displaying any text or images with the purpose to mislead 624
a peace officer upon the request of a peace officer for proof of 625
financial responsibility made in accordance with division (D)(2) 626
of section 4509.101 of the Revised Code. ~~Any person who~~ Whoever 627
violates this ~~division~~ section is guilty of falsification under 628
section 2921.13 of the Revised Code. 629

Sec. 4509.103. (A) As used in this section and sections 630
4509.101 and 4509.102 of the Revised Code, "electronic wireless 631
communications device" includes any of the following: 632

(1) A wireless telephone, including a cellular telephone; 633

(2) A personal digital assistant; 634

(3) A computer, including a laptop computer, a netbook 635
computer, and a tablet computer; 636

(4) Any other substantially similar wireless device that is 637
designed or used to communicate and displays text or images. 638

(B) Each insurer writing motor vehicle liability insurance in 639
this state shall provide financial responsibility identification 640
cards to every policyholder in this state to whom it has delivered 641
or issued for delivery a motor vehicle liability insurance policy. 642
A minimum of one financial responsibility identification card 643
shall be issued for every motor vehicle insured under a motor 644

vehicle liability insurance policy. 645

(B) A financial responsibility identification card shall be 646
valid only for the policy period. The card shall be in a form 647
prescribed by the registrar of motor vehicles. It shall disclose 648
the policy period and shall contain such other information as 649
required by the registrar. 650

(C) Each insurer writing motor vehicle liability insurance in 651
this state also shall provide to every policyholder in this state 652
to whom it has delivered or issued for delivery a motor vehicle 653
liability insurance policy the ability to utilize an electronic 654
wireless communications device to present proof of financial 655
responsibility to a traffic violations bureau, court, registrar, 656
or peace officer when required to do so by section 4509.101 of the 657
Revised Code. The text or images that are displayed on such a 658
device as the result of the generation and delivery by the insurer 659
of information and data to the device shall conform to the 660
requirements applicable to such text or images that the registrar 661
prescribes in rules adopted under section 4509.101 of the Revised 662
Code. 663

Sec. 4509.45. (A) As used in this section, "electronic 664
wireless communications device" has the same meaning as in section 665
4509.103 of the Revised Code. 666

(B) Proof of financial responsibility when required under 667
section 4509.101, 4509.33, 4509.34, 4509.38, 4509.40, 4509.42, 668
4509.44, or 4510.038 of the Revised Code may be given by filing 669
any of the following: 670

(1) A financial responsibility identification card as 671
provided in section 4509.104 of the Revised Code; 672

(2) A certificate of insurance as provided in section 4509.46 673
or 4509.47 of the Revised Code; 674

(3) A bond as provided in section 4509.59 of the Revised Code; 675
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(4) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code; 677
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(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. 679
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~~(B)~~(C) When proof of financial responsibility is required to be given under section 4509.101 of the Revised Code, such proof also may be given through use of an electronic wireless communications device as provided in that section. 686
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(D) Proof under division ~~(A)~~(B) of this section shall be filed and maintained for five years from the date of the registrar's imposition of a class A, B, or C suspension of operating privileges and shall be filed and maintained for three years from the date of the registrar's imposition of a class D, E, or F suspension of operating privileges. Proof of financial responsibility that is required to be filed and maintained with the registrar during a period of suspension of operating privileges described in this division shall not be given through the use of an electronic wireless communications device. 690
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Section 2. That existing sections 4503.20, 4509.101, 4509.102, 4509.103, and 4509.45 of the Revised Code are hereby repealed. 700
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