



Ohio Legislative Service Commission

Bill Analysis

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H.B. 44

128th General Assembly
(As Introduced)

Reps. Hagan and Huffman, Stautberg, Wachtmann, Uecker, J. Adams, Grossman, Mecklenborg, Winburn, Harris, Balderson, Jordan, Hackett, DeBose, Stebelton

BILL SUMMARY

- Repeals the financial responsibility random verification program of the Bureau of Motor Vehicles

CONTENT AND OPERATION

Background

Continuing state law prohibits any person from operating a motor vehicle in this state, unless proof of financial responsibility is maintained on the vehicle continuously throughout the registration period. Failure to continuously maintain proof of financial responsibility results in the imposition of two civil penalties. The person's operating privileges are suspended, and the person's driver's license is impounded. Also, the person's vehicle registration is suspended, and the certificate of registration is impounded.

Any person operating a motor vehicle may be required to verify the existence of proof of financial responsibility under the following specified circumstances:

- (1) Involvement in a traffic accident requiring the filing of an accident report;
- (2) Receipt of a traffic ticket indicating that proof of the maintenance of financial responsibility was not produced upon the request of a peace officer or state highway patrol trooper; and
- (3) Whenever, in accordance with rules adopted by the Registrar of Motor Vehicles, the person is randomly selected by the Registrar and requested to provide verification.

The requirement that a person verify proof of financial responsibility when randomly selected by the Registrar is contained entirely in uncodified law and was first adopted in 1994. The 1994 legislation also required the Director of Public Safety and the Registrar to adopt rules requiring persons randomly selected according to a method developed by the Director and the Registrar to verify proof of financial responsibility. Initially the program was not implemented as a permanent, statewide program.

In 1997, the requirement to adopt rules concerning random verification was amended. The Registrar was required to adopt rules by January 1, 1998, to establish a pilot program to randomly verify proof of financial responsibility and to adopt rules by January 1, 2000, for a permanent, statewide program.

Existing law

Current uncodified law regarding the random verification program was enacted in 1999 by Sub. H.B. 163 of the 123rd General Assembly. For purposes of this analysis, any reference to this act is a reference to current uncodified law. The act requires the Registrar to adopt rules for the program, which the act continues to call a pilot program, that provide additional safeguards to a person who fails to respond to a financial responsibility random verification request. The additional safeguards include use of certified mail and an additional attempt to determine the address of the person. The act requires new procedures to apply when a person whose license or registration are suspended or impounded for failure to respond to a financial responsibility random verification request is stopped for driving under a financial responsibility license suspension, when the person defends a suspension charge, and when the person's operating privileges and registration rights are reinstated.

The act also requires the rules of the Registrar for the program to do all of the following:

(1) Establish a three-step process for written notification to the owner of a vehicle randomly selected to submit proof of financial responsibility, with the last notification, when necessary for an owner who fails to respond to the previous notices, to be sent by certified mail, return receipt requested. If the second notice is returned as not deliverable, the Registrar must make reasonable efforts to determine if the owner's address has changed before sending the third notice.

(2) Allow an order of the Registrar imposing the civil penalties required under the Financial Responsibility Law to be issued upon the failure of a vehicle owner to provide proof of financial responsibility in response to the initial notice, but allow the order to be implemented in regard to owners who fail to respond only after the owner

has failed to respond to the third notice sent by certified mail or the certified mail is returned as refused or not deliverable.

(3) Require the Registrar, when recording the necessary information for an order imposing the civil penalties required under the Financial Responsibility Law, to distinctly indicate the type of suspension and impoundment when the suspension of the person's license and the impoundment of the person's certificate of registration and license plates results from a failure to respond to the random verification.

(4) Establish procedures for a person to provide proof of financial responsibility at the office of a deputy registrar if the operating privileges or registration rights of the person are suspended because of a failure to respond to a financial responsibility random verification request.

If the suspension of a person's license and the impoundment of the person's certificate of registration and license plates results from a failure to respond to a random verification, the act requires the Registrar to distinctly indicate the type of suspension and impoundment when putting information of such an order into the law enforcement automated data system and recording the information as part of the person's permanent record.

Operation of the bill

(R.C. 4509.101 and 4510.04; Section 3)

The bill eliminates the financial responsibility random verification program including any references to it in the Revised Code.

HISTORY

ACTION	DATE
Introduced	02-24-09

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