

OHIO DRIVER'S LICENSE LAW

OFFENSES AND PENALTIES

DRIVING UNDER 12 POINT SUSPENSION¹ [R.C. 4510.037(J)] – 6 points

No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
Any	M-1	3 - 180 days	0 - \$1,000	No	No	No	No	No

POINTS [R.C. 4510.036(C)]

SIX POINT VIOLATIONS	FOUR POINT VIOLATIONS
Aggravated vehicular homicide, vehicular homicide, vehicular manslaughter	Operation of vehicle after underage consumption
Aggravated vehicular assault, vehicular assault	Operation in willful or wanton disregard of safety of persons or property
Willful fleeing and eluding, failure to stop and disclose identity at accident	Exceeding speed limit by ≥ 30 mph
Street racing	TWO POINT VIOLATIONS
Driving under suspension (any type)	Exceeding speed limit of 55 or higher by > 10 mph but < 30 mph
Operating vehicle under influence of alcohol, drug of abuse or both	Exceeding speed limit of less than 55 mph by > 5 mph but < 30 mph
Unauthorized use of motor vehicle	Operating motor vehicle in violation of a restriction imposed by registrar
Any felony motor vehicle violation or any felony committed with motor vehicle	All other moving violations

TWO POINT CREDIT COURSE

A driver with at least 2 but less than 12 points may complete an approved remedial driving course and apply for a 2 point credit. Driver can obtain one credit in any three year period and up to five in a lifetime. No credit is given for course required by court for driver to regain license after suspension. R.C. 4510.037(C)

DUS OR IN VIOLATION OF LICENSE RESTRICTION² [R.C. 4510.11] – 6 points

No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First	M-1	0-180 days	\$0 - \$1,000	Mandatory	Mandatory 30 days if Δ owns vehicle	No	30 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Second	M-1	0-180 days	\$0 - \$1,000	Mandatory	Mandatory 60 days if Δ owns vehicle	No	60 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Third or more	M-1	0-180 days	\$0 - \$1,000	Mandatory	No	Mandatory if Δ owns vehicle	If Δ owns vehicle	If privileges are for vehicle with impounded plates

OPERATING MOTOR VEHICLE WITHOUT VALID LICENSE³ [R.C. 4510.12] – 2 points

Level of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
Expired ≤ 6 months and no priors in 3 years	MM	No	\$0 - \$150	No suspension allowed	No	No	No	No
Expired > 6 months and no priors in 3 years	M-4	0 - 30 days	\$0 - \$250	No suspension allowed	No	No	No	No
Second in 3 years	M-3	0 - 60 days	\$0 - \$500	Mandatory if expired > 6 months	No	No	No	No
Third in 3 years	M-2	0 - 90 days	\$0 - \$750	Mandatory if expired > 6 months	No	No	No	No
Fourth or more in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Mandatory if expired > 6 months	No	No	No	No
Never licensed	M-1	0 - 180 days	\$0 - \$1,000	Optional	No	No	No	No

DRIVING UNDER AN OVI SUSPENSION² [R.C. 4510.14] – 6 points

No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First in 6 years	M-1	3 - 180 days jail or 30-180 days EMHA. ⁴	\$250 - \$1,000	Mandatory	Mandatory 30 days if Δ owns vehicle	No	30 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Second in 6 years	M-1	10 days to 1 years jail or 90 days to 1 year EMHA. ⁴	\$500 - \$2,500	Mandatory	Mandatory 60 days if Δ owns vehicle	No	60 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Third or more in 6 years	Unclassified misdemeanor	30 days to 1 year jail. No EMHA ⁴ option.	\$500 - \$2,500	Mandatory	No	Mandatory if Δ owns vehicle ⁵	If Δ owns vehicle	If privileges are for vehicle with impounded plates

¹When a person accumulates 12 or more points within a 2 year period, registrar mails notice of impending suspension. Class D (6 month) suspension begins 20 days after mailing unless appeal is filed in the county, municipal, or juvenile court where person resides. Appeal is to allege cause can be shown why suspension should not be imposed. R.C. 4510.037(B). If person fails to show cause, court shall impose suspension or may suspend all or part of it and impose other sanctions. R.C. 4510.037(G). In order to reinstate license after 12 point suspension, person must take remedial driving course, retake driver exam and maintain proof of financial responsibility. R.C. 4510.038.

²It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. R.C. 4510.04.

³Operating without valid license includes offense of driving a motorcycle without a valid endorsement or restricted license as a motorcycle operator. R.C. 4510.12(A)(2).

⁴EMHA means electronically monitored house arrest. To impose, court must issue written finding of a lack of jail space within 60 days of sentencing. R.C. 4510.14(C).

⁵If vehicle forfeiture is required and title is assigned/transferred, offender may be fined vehicle value per national auto dealers' association publications. R.C. 4503.234(E).

OFFENSES AND PENALTIES (CONTINUED)

DRIVING UNDER FRA SUSPENSION OR CANCELLATION^{1 & 2} [R.C. 4510.16] – 6 points

No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First	M-1	0-180 days	\$0 - \$1,000	Mandatory	Optional 30 days if Δ owns vehicle	No	Optional 30 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Second in 5 years	M-1	0-180 days	\$0 - \$1,000	Mandatory	Mandatory 60 days if Δ owns vehicle	No	60 days if Δ owns vehicle	If privileges are for vehicle with impounded plates
Third or more in 5 years	M-1	0-180 days	\$0 - \$1,000	Mandatory	No	Mandatory if Δ owns vehicle ³	If Δ owns vehicle	If privileges are for vehicle with impounded plates

FAILURE TO REINSTATE LICENSE¹ [R.C. 4510.21] – 6 points

No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
Any	M-1	0 - 180 days	0 - \$1,000	Optional	No	No	Mandatory if Δ owns vehicle, time unspecified	If privileges are for vehicle with impounded plates

WRONGFUL ENTRUSTMENT OF MOTOR VEHICLE [R.C. 4511.203] – 0 points

No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension (≤ 1 year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	30 days	No	30 days	No
Second	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	60 days	No	30 days	No
Third or more	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	No	Mandatory ³	N/A	No

¹It is an affirmative defense that accused drove because of substantial emergency and no other person was reasonably able to drive in response to the same. R.C. 4510.04.

²For a person accused of a violation of R.C. 4510.16, it is an affirmative defense that the suspension resulted from the person's failure to respond to a random financial responsibility request, and at the time of the request, the person was in compliance with requirements as shown by proof of financial responsibility in effect at the time of the request. R.C. 4510.04.

³If vehicle forfeiture is required and title is assigned/transferred, offender may be fined vehicle value per national auto dealers' association publications. R.C. 4503.234(E).

LIMITED DRIVING PRIVILEGES

- **Court Imposed Suspensions.** A court **may** grant limited driving privileges **except for**:
 1. During the "hard time" of a Class 2 suspension, or any portion of a Class 1 suspension, imposed for the failure to comply with an order or direction of a police officer; willful fleeing and eluding a law enforcement officer. R.C. 2921.331(E).
 2. During the "hard time" of OVI, OVUAC or ALS. R.C. 4510.13(A).
 3. Child endangering involving operating under the influence of alcohol, drugs or both, and with three or more prior or equivalent offenses within the preceding 6 years. R.C. 2919.22(G).
 4. Certain moving violations committed by juveniles with three or more prior offenses. R.C. 4510.31(C)(3).
 5. The operation of a commercial motor vehicle by any person whose driver's license or commercial driver's license has been suspended or who has been disqualified from operating a commercial motor vehicle. R.C. 4506.161.
- **Bureau of Motor Vehicles Suspensions.** A court **may not** grant limited driving privileges **except for**:
 1. Extension of time, not to exceed 180 days, for offender to reasonably acquire reinstatement fees if payment of fees is the only impediment to reinstatement. Privileges may be granted for occupational or "family necessity only". R.C. 4510.10(B)(2).
 2. FRA suspensions as follows:
 - a. **First offense:** only with proof of financial responsibility and compliance with R.C. 4509.101(A)(5). R.C. 4509.101(A)(2)(a).
 - b. **Second offense within 5 years:** as above but no privileges allowable for first 15 days of the suspension. R.C. 4509.101(A)(2)(b).
 - c. **Third or greater offense within 5 years:** no privileges may be granted. R.C. 4509.101(A)(2)(c).
 3. Upon an appeal of a twelve-point suspension. R.C. 4510.037(G).
 4. Upon the suspension of a juvenile probationary license by the court in which the violation triggering the suspension occurred, if the court finds reasonable cause to believe the person's ability to continue employment, educational or vocational training, or treatment will be seriously affected. R.C. 4510.31(E)(1).
 5. For Class D suspensions imposed on Ohio residents for drug convictions from other states or in federal court, except during "hard time" of same. R.C. 4510.17(E).
- **Conditions.** In granting limited driving privileges, the court:
 1. Shall specify the purposes, times and places of the privileges. R.C. 4510.021(A).
 2. Shall require the offender to provide proof of financial responsibility. R.C. 4510.021(E).
 3. May impose any other reasonable conditions upon the person's driving, which may include requiring the person's vehicle to be equipped with an immobilizing and disabling device and/or restricted plates. R.C. 4510.021(A);(C).
- **Purposes.** Privileges may be granted for:
 1. Occupational, educational, vocational, or medical purposes,
 2. Taking driver's or commercial license examination, and
 3. Attending court-ordered treatment. R.C. 4510.021(A).
 4. For juveniles, practice driving with parent, guardian, or custodian in the seat beside the juvenile. R.C. 4510.021(D).