

# OHIO DRIVER'S LICENSE LAW

## OFFENSES AND PENALTIES

### DRIVING UNDER 12 POINT SUSPENSION RC 4510.037(J) - 6 POINTS

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

### POINTS RC 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 $\geq 30$ mph	
TWO POINT VIOLATIONS			
Street racing		Exceeding speed limit of 55 or higher by $> 10$ mph but $< 30$ mph	
Driving under suspension		Exceeding speed limit of less than 55 mph by $> 5$ mph but $< 30$ mph	
Operating vehicle under influence of alcohol, drug of abuse or both		Operating motor vehicle in violation of a restriction imposed by registrar	
Unauthorized use of motor vehicle		All other moving violations including operating vehicle without license	
Any felony motor vehicle violation or any felony committed with motor vehicle			
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. RC 4510.037(C)			

### DUS OR DRIVING IN VIOLATION OF LICENSE RESTRICTION<sup>1</sup> RC 4510.11 - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration/Community Service	Fines	Class 7 Suspension ( $\leq 1$ year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
<b>4510.11(C)(1)(a) DUS</b> First Anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	Mandatory 30 days if $\Delta$ owns vehicle	No	30 days if $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates
Second anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	Mandatory 60 days if $\Delta$ owns vehicle	No	60 days if $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates
Third or more anytime	M-1	0 - 180 days	\$0 - \$1,000	Mandatory	No	Mandatory if $\Delta$ owns vehicle <sup>2</sup>	If $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates
<b>4510.11(C)(1)(b) Child Support/Fail Appear/Pay</b> First in 3 years	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	Mandatory <sup>3</sup>	Mandatory 30 days if $\Delta$ owns vehicle	No	30 days if $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates
Second in 3 years	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	Mandatory <sup>3</sup>	Mandatory 60 days if 1 prior <i>anytime</i> and $\Delta$ owns vehicle	No	60 days if 1 prior <i>anytime</i> and $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates
Third or more in 3 years	M-1	0 - 180 days	\$0 - \$1,000	Mandatory <sup>3</sup>	No	Mandatory if $\geq 2$ priors <i>anytime</i> and $\Delta$ owns vehicle <sup>2</sup>	If $\geq 2$ priors <i>anytime</i> and $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates
<b>4510.11(C)(2) Violation license restriction</b> Any	M-1	0 - 180 days	\$0 - \$1,000	No	No	No	No	No

### OPERATING MOTOR VEHICLE WITHOUT VALID LICENSE<sup>4</sup> RC 4510.12 - 2 POINTS

Level/No. of Offense	Degree of Offense	Incarceration/Community Service	Fines	Class 7 Suspension ( $\leq 1$ year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
<b>4510.12(B)(1) Never licensed</b>	Unclassified misdemeanor	0 - 500 hours community service	\$0 - \$1,000	No	No	No	No	No
<b>4510.12(B)(2) Expired license</b> First, Second or Third in 3 years	MM	0 - 30 hours community service in lieu of all or part of a fine	\$0 - \$150	No for first offense <b>or</b> if prior was $> 3$ years. <b>Mandatory</b> if prior in 3 years <b>and</b> expired $> 6$ months.	No	No	No	No
Fourth or more in 3 years	M-1	0 - 180 days	\$0 - \$1000		No	No	No	No

### DRIVING UNDER AN OVI SUSPENSION<sup>1</sup> RC 4510.14 - 6 POINTS

Level/No. of Offense	Degree of Offense	Incarceration	Fines	Class 7 Suspension ( $\leq 1$ year)	Immobilization	Forfeiture	Impound Plates Required	Restricted Plates Required
First in 6 years	M-1	3 - 180 days jail <b>or</b> 30-180 days HAEM. <sup>5</sup>	\$250 - \$1,000	Mandatory	Mandatory 30 days if $\Delta$ owns vehicle	No	30 days if $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates
Second in 6 years	M-1	10 days to 1 year jail <b>or</b> 90 days to 1 year HAEM. <sup>5</sup>	\$500 - \$2,500	Mandatory	Mandatory 60 days if $\Delta$ owns vehicle	No	60 days if $\Delta$ 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 HAEM. <sup>5</sup>	\$500 - \$2,500	Mandatory	No	Mandatory if $\Delta$ owns vehicle <sup>2</sup>	If $\Delta$ owns vehicle	If privileges are for vehicle with impounded plates

<sup>1</sup>It 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. RC 4510.04.  
<sup>2</sup>If vehicle forfeiture is required and title is assigned/transferred, offender may be fined vehicle value per national auto dealers' association publications. RC 4503.234(E).  
<sup>3</sup>An argument can be made that no suspension should apply for child support and/or for failure to appear/pay. The language of RC 4510.11(C)(1) is ambiguous and under RC 2904.01(A), penal statutes are to be strictly construed against the state and liberally construed in favor of the defendant.  
<sup>4</sup>Operating without valid license includes offense of driving a motorcycle without a valid endorsement or restricted license as a motorcycle operator. RC 4510.12(A)(2).  
<sup>5</sup>HAEM is house arrest with electronic monitoring. Within 60 days, court must issue finding of lack of jail space. RC 4510.14(C).