



# ENACTMENT NEWS

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## Senate Bill 204

### Discretionary License Suspensions for Drug Offenses; Limited Driving Privileges Expanded

Effective Sept. 13, 2016

Governor Kasich signed S.B. 204 (Sen. Seitz) into law on June 13, 2016. A Judicial Conference platform item, SB 204 makes driver's license suspensions for drug offenses discretionary rather than mandatory, and expands the reasons for which a judge may grant limited driving privileges. The act becomes effective on September 13, 2016.

#### **Discretionary license suspensions for drug offenses**

Pursuant to 23 U.S.C. 159, states are required to enact laws mandating a driver's license suspension of any individual convicted of any drug offense, regardless of whether a motor vehicle was used in the commission of the offense. States that do not enact such a law risk losing a portion of federal highway funds. As a result of this federal mandate, Ohio enacted such license-suspension requirements. A state may, however, opt out of this requirement if the governor and legislature submit written certification notifying the federal government of the state's opposition to enacting such a mandate.

At the end of the 130<sup>th</sup> General Assembly, the House and Senate passed H.C.R. 55 and S.C.R. 27, respectively, declaring the legislature's opposition to the federal mandate, and urging Governor Kasich to submit written certification to the United States Secretary of Transportation expressing Ohio's desire to opt out of the license-suspension requirement, which the Governor did in December 2014.

S.B. 204 now amends all of the drug offenses in the revised code to *allow* a court to suspend an offender's driver's license, rather than mandate the suspension. Additionally, the bill allows an offender whose license was suspended for a drug offense before the bill's effective date to petition a court to lift the suspension, unless the suspension was the result of an OVI offense.

#### **Expanding reasons for limited driving privileges**

Under existing law, a court may grant limited driving privileges to a person whose license has been suspended, but only for limited purposes: 1) occupation, vocation, education, or medical needs; 2) taking a driver's license examination; or 3) attending court-ordered treatment. R.C. 4510.021. S.B. 204 adds a "catch-all" purpose to this list: "any other purpose the court determines to be appropriate."