

## **House Bill 29 changes on warrant blocks and driver's license suspensions.**

Pat Carroll, retired judge  
April 16, 2025

The general intent of House Bill 29, effective April 9, 2025, was to remove a court's ability to impose driver's license suspensions and/or warrant blocks for nonpayment of fines and court costs.<sup>1</sup>

### **Warrant block on driver's license of vehicle registration.**

R.C. 1901.44(B) limited warrant blocks to nonappearance for initial appearances and eliminated the ability for a municipal court to impose registration blocks for nonpayment of fines and court costs.<sup>2</sup>

#### Minor misdemeanor offenses.

Similarly, the authority to impose registration blocks for failure to pay fines or court costs was removed from R.C. 2935.26 for minor misdemeanors. The warrant block authority still remains for those offenses, but only for failure to appear in court on the charge.

H.B. 29 made two other significant changes in R.C. 2935.26 for minor misdemeanors.

1) Waiver of appearance by whole or partial payment. Prior law permitted a defendant to plead guilty and pay the scheduled fine through the court's traffic violations waiver bureau. (Traffic Rule 13).<sup>3</sup> R.C. 2935.26(C)(1) now permits the defendant to avoid a court appearance, plead guilty, and enter into a payment agreement with the clerk of court rather than paying the amount in full.

2) Noncompliance with installment payment plan. If the defendant defaults on the installment payment agreement, the court shall issue a separate summons for the defendant to appear in court. R.C. 2935.26(F). If the defendant does not appear in court or reinstate the installment payment plan within thirty days, the court may issue a warrant for the defendant's arrest. If the defendant pays the balance of the amount owed or re-enters into an installment payment plan, the court is required to cancel the warrant. R.C. 2935.26(G). The statute does not indicate whether the summons for nonappearance or noncompliance with installment payment plan requires a separate court case number or be part of the underlying traffic case number.

#### Notes on installment payment plan.

- Courts are required to offer installment payment plans if requested by defendants.

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<sup>1</sup> H.B. 29 also dealt with driver's license suspensions for lack of financial responsibility and in drug cases in violation of R.C. Chap. 2925.

<sup>2</sup> The same limitation was imposed on county courts (R.C. 1907.25), mayor's courts, (R.C. 1905.22), and common pleas courts (R.C. 2947.09).

<sup>3</sup> Evid. Rule 410(A)(3) provides an exception that a guilty plea through a court's traffic violations waiver bureau is not admissible in a civil or criminal action.

- R.C. 2935.26 and R.C. 2935.27 do not set out any requirements on length of payment plan, minimum payments, etc., and therefore can be set by the court.
- R. C. 2929.28(G) permits 1) payments may be made by credit or debit card and 2) the court may impose reasonable fees for payment plan, including credit card fees.

Other misdemeanor traffic offenses.

The authority to impose registration blocks or suspend driver’s licenses for failure to pay fines or court costs was removed from R.C. 4510.22 for first through fourth degree misdemeanor offenses. Similar to minor misdemeanors, the warrant block authority still remains for those offenses, but only for failure to appear in court on the charge. Installment payment plans in lieu of court appearance are limited to minor misdemeanors offenses and do not apply to other misdemeanor offenses unless permitted by through the traffic violation bureau under Traffic Rule 13(B).

**Driver’s license forfeiture and traffic offenses.**

Minor misdemeanor traffic offenses.

R.C. 2935.27(D) continues the court’s authority to order a driver’s license forfeiture if a defendant does not comply with the installment payment plan in R.C. 2935.26(C), but the license forfeiture option is limited to noncompliance with the installment payment plan and does not apply to post judgment, court ordered fines and court costs.<sup>4</sup> Prior to ordering the license forfeiture, the court must issue a declaration of forfeiture<sup>5</sup>. If there is no corrective action by the defendant within thirty days, the court “shall enter information relative to the forfeiture on a form approved and furnished by the registrar of motor vehicles and forward the form to the registrar.” R.C. 2935.27(D). Upon the defendant’s appearance in court in response to the summons, the court is required to terminate the license forfeiture. R.C. 2935.27(D).

Other misdemeanor traffic offenses.

R.C. 4510.22 removed the court’s authority to issue a declaration of license forfeiture for nonpayment of fines and court costs. A declaration of license forfeiture is limited to nonappearance in court for traffic offense charges. R.C. 4510.22 specifically applies to R.C. 4503.11, 4503.12, 4503.182, 4503.21, 4507.02, 4507.05, 4507.35, 4510.11, 4510.111, 4510.12, 4510.16, 4510.21, 4511.01 to 4511.76, 4511.81, 4511.82, 4511.84, 4513.01 to 4513.65, or 4549.01 to 4549.65 or with a violation of any substantially equivalent municipal ordinance, which effectively includes all traffic offenses, including minor misdemeanor offenses.

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<sup>4</sup> The removal of a court’s authority to issue a license forfeiture is not limited to fines and court costs and may not be invoked to “satisfy any judgment of the court.” R.C. 2935.37(D).

<sup>5</sup> A declaration of forfeiture is a judicial, not a ministerial act, and must be signed by judge, not clerk of court. *State v. Wilson*, 102 Ohio App.3d 467 (2<sup>nd</sup>. Dist. 1995). See also, *State v. Dewitt*, 2014-Ohio-162 (3<sup>rd</sup>. Dist.), holding a declaration of forfeiture of driver’s license may not be delegated to the clerk of court and requires a court order signed by the judge.

**Other changes.**

H.B. 29 removed the court's authority to hold a driver's license as bond. R.C. 2937.221 permitting a driver's license as bond was repealed.

R.C. 4503.39 sets out the procedure for vehicle registration blocks for lease vehicles, which is also limited to failure to appear in court and does not apply to failure to pay fines or court costs.

**Implementation.**<sup>6</sup>

Section 5 of H.B. 29 requires the Motor Vehicles Registrar, within thirty days after April 9, 2025, to remove any driver's license or vehicle registration suspensions that were imposed for failure to pay a court fine or fee. The Registrar is also required to create a list, within thirty days after April 9, 2025, of names whose driver's license or motor vehicle registration were under R.C. 2935.27 for failure to pay a court fine or fee. This section specifically provides:

The Registrar shall notify the courts that suspended those individuals' driver's licenses or motor vehicle registrations of the individuals' names and suspension. The courts shall order the Registrar to remove the suspensions associated with R.C. 2935.27 for those individuals.

From this language it appears the responsibility to remove any nonpayment imposed license or vehicle registration suspensions is on the BMV and the courts, not the individual whose license or registration was suspended for nonpayment of fines.

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<sup>6</sup> Page 111 of H.B. 29.