

September 2010 is Amnesty Month

Under Ohio law there are numerous traffic violations that may result in a drivers license being suspended. Once a license is suspended there is a mandatory reinstatement fee. The amount of the fee varies depending on the underlying reason for the suspension.

Unfortunately, in almost every court session we have a number of defendants who have been charged with driving under suspension. Many of the suspensions result from the failure to pay fines or to have proof of automobile insurance coverage when a motorist is stopped.

The Ohio legislature has recently amended the laws pertaining to driving under suspension to impose different penalties depending on the reason for the suspension.

First time driving under suspension charges arising from failure to pay fines or carry insurance are now unclassified misdemeanors. This means that although the maximum fine is still \$1000.00 there is no longer any possibility of a jail sentence. License suspensions arising from the failure to pay child support are also unclassified misdemeanors.

The Lorain County Job and Family Services is sponsoring what it calls an "Amnesty Program" during the month of September 2010. The Child Support Enforcement Agency will reinstate a defaulting child support obligor's drivers license upon payment of one month's worth of child support. The obligor must also pay a reinstatement fee of \$25.00 to the Ohio Bureau of Motor Vehicles. The agency will also require information from the obligor regarding employment or a bank account in order to insure continuing payment of the child support obligation.

O.A.C. 5101:12-55-25 specifies how CSEA may suspend a defaulting child support obligor's license. As set forth in the rule, CSEA provides notice to the obligor that his/her driver's license will be suspended. In addition to the letter, the obligor must also have received a "Notice of Default" at the time of becoming delinquent. CSEA attempts to work with obligors and offers several options for reinstatement other than monetary criteria. The CSEA will re-instate a license if the individual participates in the "seek work" program, available through the Lorain County Department of Jobs and Family Services. If a newly unemployed obligor provides proof that he/she has applied for unemployment benefits, CSEA will monitor the case to determine when OBES payments begin rather than suspend the license.

If you have any questions regarding the Amnesty Program please contact the Lorain County Job and Family Services, Child Support at 440 284-4401 located at 42485 North Ridge Road, Elyria, Ohio. Visit their website at www.lcdjfs.com

We do attempt to work with defendants charged with driving under suspension to allow them the opportunity to get their license reinstated. If a first time offender is able to obtain a valid license within a reasonable period of time our prosecutor may amend the charge so that an additional suspension is not imposed. Our goal is to have insured, licensed drivers on the road.

Therefore, anyone with a child support suspension should take advantage of this opportunity to get their driver's license valid.