

## **GARFIELD HEIGHTS MUNICIPAL COURT LIMITED DRIVING PRIVILEGES**

The Garfield Heights Municipal Court may grant limited driving privileges during a court imposed suspension unless expressly prohibited by statute. [ORC §4510.021(A)]

In contrast, the Court may not grant limited driving privileges during any OBMV imposed suspension unless expressly authorized by statute. [ORC § 4510.021(B)]

Limited driving privileges may be granted in cases where your license is suspended for an administrative license suspension pursuant to an OVI arrest or for an OVI conviction, where authorized, for occupational, educational, vocational, or medical purposes, to take the driver's license exam, or to attend court-ordered treatment.

Some suspensions carry a "hard time" period during which the court may not grant driving privileges. [ORC §4510.13] A court cannot give limited driving privileges to an eligible driver absent proof of current financial responsibility.

If driving privileges are granted, the court may be required, or in some cases have the option, to require the vehicle to be operated with restricted plates or a disabling device such as an ignition interlock.

Some basic prerequisites for limited driving privileges are required by statute. The minimum statutory requirements are as follows:

1. Pay court filing fee
2. Obtain court order modifying suspension, i.e. granting driving privileges
3. Must have unexpired license
4. Must be in compliance with all other suspensions and reinstatement requirements
5. Provide proof of financial responsibility to the court and file and maintain proof with the OBMV for a specific period of time if required by statute.

### **How do I apply for limited driving privileges?**

You may apply for limited driving privileges by completing the [Application for Limited Driving Privileges](#) and filing it with the Clerk of Court. You must also pay a \$75.00 filing fee and provide current proof of financial responsibility. If you are applying for driving privileges for an OVI suspension before Judge Deborah Nicastro, you must also obtain a chemical dependency assessment and file it with your application.

### **Will I have to come to court to obtain driving privileges?**

The judge may or may not set your application for hearing, depending on the type of suspension and the completeness of your application. If the judge sets a hearing, the Clerk will send you a written notice to appear.

### **Will there be an investigation of my application?**

Where your application is incomplete, your application may be assigned to a bailiff for investigation. A bailiff may also contact your employer and insurance agent to determine whether the facts stated in your application are accurate and truthful.

## **What if my license is expired and under suspension?**

The judge cannot grant driving privileges on an expired license. Upon review of your driving record, the judge may grant you permission to retest while under suspension. When you have successfully retested, the should notify the Court in writing and the judge will review your application again.

## **What if I owe reinstatement fees to the OBMV?**

If you qualify for driving privileges and owe reinstatement fees in excess of \$150.00 to the Ohio Bureau of Motor Vehicles, you may also ask the judge to grant a reinstatement fee plan. Under the plan, you need only pay the OBMV \$50.00 per month as ordered by the judge.

## **What if I have suspensions for which I cannot be granted driving privileges?**

Upon the filing of your Application, the judge will determine if you have suspensions which prohibit the granting of driving privileges. If you do, the judge will notify you of the suspensions and hold the application until you clear the suspensions in issue.

## **Can I lose driving privileges granted by the court?**

**YES.** You will lose your driving privileges if any of the following occur:

- A. Your proof of financial responsibility is canceled
- B. You have ANY driving infraction
- C. You violate probation
- D. You receive a suspension from the BMV or another Court
- E. You fail to pay fines and costs as ordered by the Court
- F. You operate a vehicle while under the influence of drugs or alcohol
- G. You drive under conditions which are outside the scope of your privileges

## **For how long are the driving privileges?**

If the Judge grants driving privileges, it will only be for six (6) months. You must re-file your request every six months during the term of the suspension and pay an additional \$25.00 filing fee.

## **What is the scope of my driving privileges?**

You may only drive during the times and for the purposes granted by the Court. The Judge shall specify when and for what you can drive. If you vary from the terms of the privileges, you may be charged with a new offense of driving under suspension, a probation violation, and/or contempt of Court and lose the driving privileges.