

4501:1-2-08

Random selection suspension procedure.

- (A) The registrar of motor vehicles shall send a written notice by regular mail to the owner of each vehicle randomly selected in accordance with rule 4501:1-2-07 of the Administrative Code. The notice shall identify the vehicle selected and shall inform the owner that the owner is required to submit proof showing financial responsibility coverage was in effect with respect to the selected vehicle on the date specified by the registrar. The notice shall inform the owner of the methods and procedures for submitting proof of financial responsibility coverage and shall specify that the proof of financial responsibility shall be submitted within twenty-one days of the mailing of the notice. The notice may also contain such other information as the registrar may prescribe.
- (B) The owner may submit evidence to show that the vehicle subject to the registrar's notice is exempt because the vehicle is leased, the vehicle is used on a seasonal basis only and the date selected by the registrar is out of season for that vehicle, the vehicle is inoperable or has been out of service for a period of at least thirty days, or the vehicle is exempt for any other reason the registrar may prescribe. The evidence shall be sufficient to show that there is good cause to believe that the vehicle was not operated in violation of section 4509.101 of the Revised Code or was otherwise exempt.
- (C) If the owner of a vehicle randomly selected pursuant to rule 4501:1-2-07 of the Administrative Code, within twenty-one days of the mailing of the notice, fails to respond to the notice, fails to give acceptable evidence that the vehicle is exempt, or fails to give acceptable proof of financial responsibility, the registrar shall order the suspension of the license of the person required under division (A)(2)(a) of section 4509.101 of the Revised Code and the impoundment of the person's certificate of registration and license plates required under division (A)(2)(b) of section 4509.101 of the Revised Code, effective no less than fifty-six days after the date of the mailing of notice of suspension. The notice of suspension also shall notify the person that the person must present the registrar with proof of financial responsibility, submit evidence acceptable to the registrar showing that the vehicle is exempt, or surrender to the registrar the person's certificate of registration, license plates, and license. The notice of suspension shall be in writing and shall be sent to the person at the person's last known address as shown on the records of the bureau of motor vehicles. The person, within twenty-one days after the date of the mailing of the notice of suspension, shall present proof of financial responsibility, or submit evidence showing that the vehicle is exempt, together with any other information the person considers appropriate.
- (D) If the registrar does not receive proof or the person does not give acceptable evidence that the vehicle is exempt in accordance with this rule, within twenty-one days, the registrar shall send a second notice of suspension to the person by certified mail return receipt requested. If the first notice of suspension is returned as not

deliverable, the registrar shall make reasonable efforts to determine if the owner's address has changed before sending the second notice of suspension. The second notice of suspension shall contain the most recent address for the person as determined by the registrar, the same or similar information, and the same suspension date as the original notice of suspension unless the registrar determines that a different suspension date is necessary to give the person adequate notice. The second notice of suspension shall give the person an additional period of no less than fourteen days in which to present the registrar with proof of financial responsibility, or submit evidence acceptable to the registrar showing that the vehicle is exempt, together with any other information the person considers appropriate.

- (E) If the registrar does not receive acceptable proof and the person does not give acceptable evidence that the vehicle is exempt in accordance with this rule, the person shall surrender the certificate of registration, license plates, and license to the registrar no later than the date of suspension and the registrar shall permit the order of the suspension of the license of the person and the impoundment of the person's certificate of registration and license plates to take effect.
- (F) In the case of a person who presents, within the periods specified in this rule, documents to show proof of financial responsibility, the registrar shall terminate the order of suspension and the impoundment of the registration and license plates required under division (A)(2)(b) of section 4509.101 of the Revised Code and shall send written notification to the person, at the person's last known address as shown on the records of the bureau.
- (G) Any person adversely affected by the order of the registrar, within ten days after the issuance of the order, may request an administrative hearing before the registrar, who shall provide the person with an opportunity for a hearing in accordance with this paragraph. A request for a hearing does not operate as a suspension of the order. The scope of the hearing shall be limited to whether the vehicle is exempt and whether the person in fact demonstrated to the registrar proof of financial responsibility in accordance with this ~~section~~ rule. The registrar shall determine the date, time, and place of any hearing, provided, that the hearing shall be held, and an order issued or findings made, within thirty days after the registrar receives a request for a hearing. Such person shall pay the cost of the hearing before the registrar, if the registrar's order of suspension or impoundment is upheld.
- (H) Any suspensions imposed as a result of the failure to respond to a financial responsibility random verification request shall include a distinctive designation on the records of the registrar and on the records transmitted by the registrar to the law enforcement automated data system (LEADS).
- (I) Any person whose license has been suspended because of a failure to respond to a

financial responsibility random verification notice may provide proof of financial responsibility at any deputy registrar agency. The proof shall be sufficient to show that the person had financial responsibility coverage in effect on the date specified by the registrar. If the proof is acceptable and the person is not under any other suspensions or disqualifications, the deputy registrar shall reissue the person's driver's license and vehicle registration upon payment of the applicable statutory fees, but without the payment of any reinstatement fees.

- (K) In carrying out his duties under this rule, the registrar may contract with outside sources to process any information, send and receive any notices, and take any actions on behalf of the registrar as the registrar may prescribe.

Effective:

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Certification

Date

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