

IN THE MOUNT VERNON MUNICIPAL COURT  
MOUNT VERNON, OHIO

F I L E D

FEB 17 2015

MT. VERNON MUNICIPAL COURT  
KATHY SAVAGE  
CLERK

LIMITED DRIVING RIGHTS DURING :  
A SUSPENSION : JOURNAL ENTRY

**POLICY FOR GRANTING LIMITED DRIVING RIGHTS**  
(Court Ordered OVI Suspensions or BMV/ALS, effective February 15, 2015)

**I. Limited Driving Privileges:** The Court may grant limited driving privileges for the following purposes: occupational, educational, vocational, medical, to take a driver's license examination, or to participate in or complete Court Ordered treatments, e.g., drug, alcohol or mental health.

**II. OVI Suspensions:**

**First Offense:** The Court may grant a Defendant limited driving privileges after conviction of a first offense of Operating a Vehicle under the Influence (OVI) of alcohol/drugs upon these conditions: as soon as permitted by law (after expiration of the hard time), after completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant may be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis. Restricted plates (registration) shall be required for high-test cases.

**Second Offense:** The Court may grant a Defendant limited driving privileges after conviction of a second OVI offense upon these conditions: as soon as permitted by law (after expiration of the hard time), after completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant shall be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis.

The ignition interlock device may be required when the Defendant was driving under the influence of drugs at the time of committing the OVI offense.

**Second Offense, High-Test or Refusal within 20 Years:** The Court may grant a Defendant limited driving privileges after conviction of a second OVI offense, with a high-test or a test refusal in the prior 20 years, upon these conditions: as soon as permitted by law (after expiration of the hard time), after completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant shall be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis. The ignition interlock device may be required when the Defendant was driving under the influence of drugs at the time of committing the OVI offense.

**Third Offense:** The Court may grant a Defendant limited driving privileges after conviction of a third OVI offense upon these conditions: as soon as permitted by law (after expiration of the hard time), after completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant shall be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis. The ignition interlock device may be required when the Defendant was driving under the influence of drugs at the time of committing the OVI offense.

**Third Offense, High-Test or Refusal within 20 Years:** The Court may grant a Defendant limited driving privileges after conviction of a third OVI offense, with a high-test or a test refusal in the prior 20 years, upon these conditions: as soon as permitted by law (after expiration of the hard time), after completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant shall be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis. The ignition interlock device may be required when the Defendant was driving under the influence of drugs at the time of committing the OVI offense.

**Operating a Vehicle after Underage Alcohol Consumption:** The Court may grant a Defendant limited driving privileges after conviction of Operating a Vehicle after Underage Alcohol Consumption upon these conditions: as soon as permitted by law (after expiration of the hard time), after completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant may be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis.

**Physical Control While Under the Influence:** The Court may grant a Defendant limited driving privileges after a conviction of Physical Control While Under the Influence upon these conditions: as soon as permitted by law (after expiration of the hard time), after completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant may be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis.

### **III. For BMV/ALS:**

**First and Second Test Refusals:** For Defendants who refused to take a breath, urine, or blood test upon the request of a law enforcement officer while under arrest on the OVI charge one or two times in the prior six years, the Court may grant limited privileges as soon as permitted by law (after expiration of the hard time), upon completion of a Court approved application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant may be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis.

**Three or More Test Refusals:** For Defendants who refused to take a breath, urine, or blood test upon the request of a law enforcement officer while under arrest on the OVI charge three or more time in the prior six years, the Court may grant limited privileges as soon as permitted by law (after expiration of the hard time), upon completion of a Court approved

application for limited driving rights demonstrating a need for the limited privileges requested and payment of the additional court costs. The Defendant shall be limited to driving in a vehicle that has a restricted plates (registration) displayed in lieu of the regular vehicle registration and that is equipped with an approved ignition interlock device that is monitored on a monthly basis.

#### **IV. Application for Limited Driving Rights:**

The application must contain the following information: (1) Name; (2) Social Security Number; (3) residence address (no P.O. boxes); (4) home and/or cell phone number; (5) place of employment, school or vocational center; (6) address of employment/educational institution/vocational training; (7) work schedule demonstrating a need for the limited privileges requested including days, work hours, and overtime, or class times; (8) treatment provider's address, dates and times of treatments; and (9) a detailed description of the route of travel from the residence described in (3) to the destinations in (5), (6) or (8). The Court upon request may provide an approved application form.

In accordance with O.R.C. Section 4510.021(E), the applicant must show proof of financial responsibility (insurance on the vehicle and an SR 22, if required of the applicant).

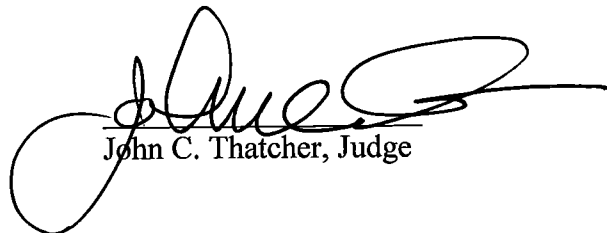
If the applicant is limited to driving a vehicle that is equipped with an ignition interlock device, the applicant must show proof that the interlock device has been installed.

If the applicant is limited to driving a vehicle with restricted plates (registration), the applicant must include as a part of the application a copy of the restricted registration received from the Bureau of Motor Vehicles and show proof that the restricted plates have been placed on the vehicle. This information will be included on the Court Order granting the driving rights so that any law enforcement officer can verify that a person with limited driving rights is operating an approved vehicle.

#### **V. Procedure to Obtain Limited Driving Rights:**

The person applying for limited driving privileges may begin the process during the so called "hard time" when the Court is without authority to granted limited privileges. However, the application will not be deemed filed until the applicant is eligible for driving privileges after the expiration of the hard time. The Court may grant limited driving

privileges in accordance with the Court policy's and Ohio law. The Court will make a decision on the application and issue the order in accordance with the Court's decision within five business days after the completed application is received by the Court.



John C. Thatcher, Judge