

The Ohio Safety Responsibility Law

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There have been in effect in Ohio since 1935, laws pertaining to the financial responsibility of owners or operators of motor vehicles who have had judgments rendered against them as a result of their operation of such motor vehicles, or due to their conviction for the violation of certain traffic laws. However well intentioned these laws may have been, it became evident, that they did not offer a satisfactory solution for curbing the irresponsible drivers of motor vehicles upon the streets and highways of Ohio. The realization of the inadequacy of the existing legislation motivated a long and careful study on the part of individuals and groups in search of suitable legislation to eliminate, or at least to help, curb such irresponsible drivers.

The Financial Responsibility Law in effect in Ohio prior to the passage of the present Safety Responsibility Law concerned only those individuals who may have been convicted by a court of record of certain offenses, or those against whom a judgment had been rendered, resulting from a motor vehicle accident, and which judgment had remained unsatisfied. In those cases where a conviction had been reported against an individual, it became the duty of the Registrar of the Bureau of Motor Vehicles to suspend the driving privileges of such individual until there was provided in his behalf evidence of financial responsibility, and it was necessary that such evidence be furnished for a period of three years, at the end of which time the individual was automatically relieved of any longer furnishing such evidence. If no proof of financial responsibility was provided, then the driving privileges were suspended and remained suspended for a period of three years, at the end of which time the privileges could be reinstated. The provisions of the law as they applied to unsatisfied judgments required the Registrar of the Bureau of Motor Vehicles to suspend the driving privileges of the judgment debtor when notice was given by a court that a judgment remained unsatisfied. The driving privileges would remain suspended until the judgment was paid or arrangements made for its payment. However, the judgment debtor was entitled to have his driving privileges reinstated at the end of five years, even though the judgment remained unsatisfied at the end of that time and no payment made on the judgment.

The present Safety Responsibility Law was passed by the 99th General Assembly to become effective March 1, 1953.¹ The

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¹ OHIO REV. CODE §§ 4509.01 to 4509.77, inclusive.

responsibility for the enforcement and the administration of this law was placed upon the Registrar of the Bureau of Motor Vehicles. In order that such preparations might be completed as of March 1, 1953, arrangements were made for representatives of the Registrar of the Bureau of Motor Vehicles to make a survey of the law and determine the requirements, both with reference to personnel and equipment, as well as necessary administrative procedure needed for its proper enforcement and administration. In order that a better understanding of these requirements might be had, it was necessary for these representatives to visit the states of New York, Pennsylvania, and Illinois, inasmuch as these states had comparable motor vehicle population to Ohio's and in addition their laws were similar in wording and requirements. After these visits had been made, an organization chart was set up showing the required number of people as well as the many specific forms needed and the required administrative procedures necessary. An educational program was established through the Public Relations Department of the State Highway Department so that all interested parties throughout the State would have at least some knowledge of the requirements of the law as it would affect them before the law became effective. This program was conducted through the mediums of radio, television, and newspapers. There were also meetings conducted throughout the state with interested groups, explaining the various requirements of the law and how they would affect the motoring public of the state. The law established a broad new policy regarding financial responsibility for traffic accident losses in Ohio, and was a distinct advance in legislation designed to protect the public in its use of the streets and highways, and to protect those who through no fault of their own suffered personal injury or property damage in motor vehicle accidents.

The law, as indicated by its title, is a safety measure and by its provisions places a premium on safe driving. It is the purpose of the law to remove the irresponsible driver from the road, and to give reasonable assurance that those owners and drivers of motor vehicles who fail to meet their obligations under the law, either by means of insurance or by some other means, will forfeit the privilege of owning or operating a motor vehicle in Ohio. This privilege will be taken away from those who neither respect nor remember the rights of other people who use the same streets and highways of Ohio. Some questions have arisen as to whether this is a compulsory insurance law. This is definitely not true inasmuch as there is no requirement that an individual must show evidence of insurance as a prerequisite for obtaining registration on his motor vehicle, and as long as an owner or operator maintains a satisfactory driving record and does not become in-

volved in any accident, resulting in personal injury or property damage in excess of \$100, then such owner or operator will not be affected. However, as soon as he becomes involved in a situation which makes him subject to the law, he is faced with the necessity, in case of an accident, of posting security, or in case of a conviction or an unsatisfied judgment, of establishing proof of financial responsibility.

The term *financial responsibility* and the term *security* should not be confused. *Financial responsibility* for the future insures payment for damages in any future accidents, while *security* required to be posted following an accident covers damages for that accident. Proof of financial responsibility means proof of ability to respond in damages for liability on account of accidents occurring subsequent to the effective date of such proof, arising out of the ownership, maintenance, or use of a motor vehicle in the amount of \$5,000 because of bodily injury to or death of one person in any one accident, in the amount of \$10,000 because of bodily injury to or death of two or more persons in any one accident, and in the amount of \$5,000 because of injury to property of others in any one accident. Security means that amount which is required to be deposited with the Registrar of the Bureau of Motor Vehicles to pay any claims for damages arising out of an accident which has already occurred.

The accident reporting requirement of the present Safety Responsibility Law is the first time in Ohio that the responsibility for reporting an accident has been placed upon the owner or driver of a motor vehicle.

The principal provisions of the Safety Responsibility Law are as follows:

(A) It requires that the driver or owner file a report with the Registrar of the Bureau of Motor Vehicles within five days of any accident which results in death or injury to any person, or property damage in excess of \$100 to the property of any one person. If such report is not received within the prescribed time, then the Registrar may suspend the driving privileges of such individual until the report is filed. When the report reaches the Bureau of Motor Vehicles, it is examined for a number of things, a few of which are: date and location of accident; names and addresses of parties involved and those suffering damage, either personal or property, as a result of the accident; signature; and, insurance information. If the report indicates that there was sufficient insurance in effect at the time of the accident to cover any claims for damages arising out of the accident, then the motorist is considered in compliance with the law; however, if there was no insurance in effect at the time of the accident, the Bureau of Motor Vehicles

will determine the amount of damages for which the motorist could be held liable, and he will be notified to deposit with the Registrar security in that amount. He must then, within 10 days of such notice, either deposit with the Registrar the required amount of security, or in lieu thereof, provide the Bureau of Motor Vehicles with a release from liability, signed by the injured party, or a written agreement providing for the payment of the claim.

He may be exempted from the security requirements of the law in any of the following situations:

(1) The requirements as to security and suspension do not apply to the driver or the owner of a motor vehicle involved in an accident in which no injury or damage was caused to the person or property of anyone other than such driver or owner.

(2) To the driver or owner of a motor vehicle which at the time of the accident was parked, unless such motor vehicle was parked at a place where parking was at the time of the accident prohibited under any applicable law or ordinance.

(3) To the owner of a motor vehicle if at the time of the accident the motor vehicle was operated without his permission, express or implied, or was parked by a person who had been operating such motor vehicle without such permission.

(4) To any police officer who, while responding to an emergency call, assumed custody of a motor vehicle and is the driver thereof at the time of the accident.

(5) To the driver or owner if the owner had in effect at the time of the accident an automobile liability policy or bond with respect to the motor vehicle in the accident, except that a driver shall not be exempt under this division of this section if at the time of the accident the motor vehicle was being operated without the owner's permission, express or implied.

(6) To the driver, if not the owner of the motor vehicle involved in the accident, if there was in effect at the time of the accident an automobile liability policy or bond with respect to his driving of motor vehicles not owned by him.

(7) To a driver or owner whose liability for damages resulting from the accident is, in the judgment of the Registrar of Motor Vehicles, covered by any other form of liability insurance policy or bond.

(8) To the driver or owner of a motor vehicle involved in an accident to the extent that the owner of the motor vehicle at the time of the accident was a self-insurer as defined in section 4509.72 of the Revised Code, except that a driver shall not be exempt under this division of this section if at the time of the accident the motor vehicle was being operated without the owner's permission, express or implied.

(9) To the owner of a motor vehicle where such owner is the United States, this state, any political subdivision of this state, any municipal corporation therein, or any private volunteer fire company serving a political subdivision of this state.

If the motorist fails to comply with any of the above mentioned provisions of the law, the Registrar must suspend the driving and registrations privileges of that individual, and they will remain so suspended until any of the above requirements are met, or for a period of twelve months, providing there are no unsatisfied judgments remaining against the individual resulting from that particular accident, nor any cause of action pending against him. The law gives the Registrar no jurisdiction to decide who was or was not at fault, and it is entirely possible that an innocent party may be required to post security for the protection of a party whose negligence was the cause of the accident. A suspension for failure to deposit security will be vacated or a deposit of security will be returned to the depositor upon a finding of non-liability by a competent court. An individual who has been required to deposit security with the Registrar may request that his deposit be returned to him after twelve months from the date such security was required and the Registrar will make a refund if there are no unsatisfied judgments or causes of action pending against the depositor. The security deposited in accordance with the requirements of the law is held by the Treasurer of the state of Ohio, and payments may be made out of the deposit only upon the written direction of the depositor, or upon submitting to the Registrar a certified copy of a judgment rendered against the depositor by any court of competent jurisdiction. This certified copy is submitted to the Registrar by the judgment creditor or his attorney.

(B) It requires the Registrar to suspend the registration and driving privileges of any individual on the basis of a report of conviction by a court of record for any one of the following offenses unless the motorist immediately gives and thereafter maintains evidence of financial responsibility:

- (1) Manslaughter resulting from the operation of a motor vehicle.
- (2) Operating a motor vehicle while under the influence of intoxicating liquor or narcotic drug.
- (3) Perjury or the making of a false affidavit under sections 4507.01 to 4507.39 inclusive, of the Revised Code, or any other law of this state requiring the registration of motor vehicles or regulating their operation on the highway.
- (4) Any crime punishable as a felony under the motor vehicle laws of this state or any other felony in the commission of which a motor vehicle is used.
- (5) Failing to stop and disclose identity at the scene of the accident when required by law to do so.

(C) It requires the Registrar to suspend the driving and registration privileges of a person who has not satisfied a judgment within thirty days after it has become final, arising out of a motor vehicle accident. Such privileges cannot be restored at any time until the judgment has been satisfied, or provisions made for payment in installments, and in addition it is required that the individual immediately gives and forever thereafter maintains evidence of financial responsibility.

Many questions have arisen with reference to the interpretation and practical application of certain sections of the law during the first months of its operation. The most common misunderstanding results from the question with reference to the requirement of reporting an accident, and what constitutes a reportable accident. A motor vehicle accident is defined as *any accident in which a motor vehicle is involved which results in any personal injury or death to any person, or in property damage in excess of \$100 to the property of any one person*. The responsibility for filing this report with the Registrar is upon the driver or owner. Consequently, all drivers or owners of motor vehicles involved in an accident are required to file a report, just as long as any one party is damaged in excess of \$100, or if there are any personal injuries, even though some of the parties may have suffered no personal injuries, and even though their own property damage may have been less than \$100. This report is required even though the accident may have been investigated by a police officer, and even though the party may have been insured at the time of the accident and had made a report to his insurance company.

Another cause of frequent misunderstanding arises in those cases where the owner and driver of a motor vehicle involved in an accident are two separate individuals. In this situation, if the information provided to the Registrar on the reporting form does not indicate sufficient financial capabilities on the part of the driver or owner to pay any claims that may arise due to the ownership, operation or maintenance of a motor vehicle, then the security and suspension requirements of the law are invoked against the driver; and if he fails to comply, then the owner is requested to comply with the security requirements. If the owner fails, he too is made subject to the suspension provisions of the law. However, even though some problems have arisen, it should be pointed out, the need for this type of legislation has been recognized by the public and they have demonstrated their acceptance of the law by their willingness and desire to cooperate and comply with the provisions of the law. This cooperation on the part of the public is responsible in a large part for effectiveness of the law within such a short time that it has been in operation.

The following figures will indicate the effectiveness of the law for the first ten months of its operation:

Number of Accidents Reported.....	106,200
Number of Motorists Suspended.....	13,910
Amount of Security Deposited.....	\$273,156.50

Several sections of the Safety Responsibility Act, as originally enacted by the 99th General Assembly, have been amended by the 100th General Assembly. One of the amendments pertains to the accident reporting form itself. The reporting form as it was originally designed and adopted requested information from the person submitting the report that was to be used, not only for the purpose of determining compliance with the Safety Responsibility Law, but also for the purpose of highway studies by the Department of Highways. Since it was felt that this placed an undue burden upon the public, the reporting form was shortened and now contains only requests for information necessary for the proper administration of the Safety Responsibility Law. The remaining information requested for the Highway Department's use is now furnished on a report completed by the police officer who investigates the accident. It is also possible that a copy of either the operator's report or the report submitted by the investigating police officer, or both, may be secured by the injured party or his attorney upon payment of a fee of \$1 for each report. Another amendment concerns the reporting of convictions for certain offenses by a court of record. The original law specified that only those individuals who had been so convicted of certain offenses by a court of record, and as part of the penalty had his driving privileges suspended, would be made subject to the Safety Responsibility Law requirements. The effect of the amendment now makes all individuals convicted of any of these offenses by a court of record subject to the financial responsibility requirements of the law, regardless of the penalty imposed by the court. The third amendment enacted by the 100th General Assembly places the responsibility upon all government employees to report an accident in which they may become involved while operating a public-owned vehicle. This is the only requirement of the law that applies to public-owned vehicles. It is, however, possible to require the government employee to comply with the security requirements of the law if it is shown that, at the time of the accident, the public-owned vehicle was being operated by the employee in his own interest and outside the scope of his employment. It is not claimed that the law is perfect, and experience gained through its administration will indicate the need for additional amendments from time to time.

The provisions of the law apply to non-residents operating motor vehicles in this state. If such non-resident becomes involved in an accident in Ohio and fails to comply with the re-

quirements of the law, then the non-resident's driving and registration privileges, in Ohio, are suspended, and a notice of such action by the Registrar is forwarded to the proper official in the non-resident's home state. Safety Responsibility legislation, even though in effect in most states, has not as yet been made the subject of reciprocal agreements between the states. It should be pointed out, however, that a judgment, which is unsatisfied, rendered by a court of competent jurisdiction in a foreign state against an Ohio resident for an accident occurring in a foreign state may be certified to the Registrar of the Bureau of Motor Vehicles, and the provisions of the law would be invoked against the Ohio resident by the Registrar.

The penalties contained in the law should serve as a strong and sufficient incentive for safe driving and an important curb upon the reckless and careless operator of a motor vehicle. Highway safety is an every-day problem, and it should be practiced and preached every day in the year.

The law marks a great advance in motor vehicle legislation which should be welcomed by all thoughtful citizens of the state who are concerned with the problem of highway safety.

It is obvious that the successful administration of the law will be impossible unless it has the full support and cooperation of every driver and owner of a motor vehicle in Ohio. The evils and injustices which it seeks to correct are well known to the people of Ohio, and this should be sufficient to guarantee the needed support and cooperation