

Instructions for Driving Privileges



Judge J.J. Costello

Cleveland Heights Municipal Court
40 Severance Circle
Cleveland Heights, Ohio 44118

This Guide to Driving Privileges is designed to help you understand limited driving privileges requirements. During my tenure as Judge, I have found that persons requesting limited driving privileges often have the same questions and concerns. This guide should help answer many of those questions. This booklet is not, however, intended to constitute legal advice or to take the place of an attorney if you feel one is necessary. It should, however, help you understand the process.

A limited driving privileges court order modifies a suspension to allow an individual to drive. If granted, this Court will specify purposes, times, and places and may impose other driving-related conditions on you. Limited driving privileges may be granted for:

1. Occupational, educational, or medical purposes
2. Taking a driver license or commercial driver license examination
3. Attending court-ordered treatment
4. Certain family necessities

You must have a modifying order including each suspension you are serving. Your license cannot be expired and you must be in compliance with any other suspension requirements. If your license expires while you are under suspension or if your license is expired past six months, you must ask for the Court to issue an order allowing you to renew your license while under suspension and/or retest to obtain a license. If you are retesting for a commercial driver's license (CDL), the letter must specifically state that. However, you may not drive a commercial vehicle with limited driving privileges. Finally, if you qualify for driving privileges and owe reinstatement fees to the Ohio Bureau of Motor Vehicles (BMV), you may also ask the Court to grant a reinstatement fee plan.

The Cleveland Heights Municipal Court may grant limited driving privileges during a court-imposed suspension unless expressly prohibited by statute. In contrast, the Court may not grant limited driving privileges during any BMV imposed suspension unless expressly authorized by statute. Some suspensions carry a "hard time" period during which the court may not grant driving privileges.

Limited driving privileges may be granted in cases where your license is suspended for an Administrative License Suspension (ALS) pursuant to an operating a vehicle under the influence of alcohol or drugs (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. An ALS is an immediate suspension that occurs when a person is arrested for OVI and either refuses to take a test or submits to the test and fails. The hard time for a first offense, non-refusal, is 15 days. The hard time for a first offense, refusal, it is 30 days.

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

1. Pay the court filing fee
2. Obtain court order modifying the suspension, i.e. granting driving privileges

3. Have an unexpired license
4. 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 BMV for a specific period if required by statute.

Finally, please remember the following:

1. Driving privileges are limited to the dates, times, and locations defined on the journal entry.
2. The limited driving privilege entry must be with you while driving and be presented to a law enforcement official upon request.
3. The most direct route is the shortest (in terms of distance and/or time) operated route between two points involving no stopovers except for refueling.
4. If granted privileges for family necessities it includes the following, unless otherwise modified by the limited driving privilege entry:
 - a. Grocery and laundry facilities
 - b. Child care services
 - c. School and school activities in which you are your child participate
 - d. Religious services
 - e. Medical appointments (with proof)
 - f. Sudden medical emergencies for you or your immediate family members
5. 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 are stopped by a law enforcement officer and refuse to submit to a blood, urine, or breath test upon request
 - h. You drive under conditions which are outside the scope of your privileges

You may apply for limited driving privileges by completing the Application for Limited Driving Privileges (attached) and filing it with the Clerk of Court. Be sure to include the following:

1. Your complete contact information, including an email address.
2. The necessary filing fee (see the Court's fee schedule)
3. Proof of current financial responsibility for at least 90 days.
4. Proof of occupational, educational, vocational, or medical purposes. Such proof must be on official letterhead with location, days, and times to be accepted.
5. dependency assessment and file it with your application.

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

IN THE CLEVELAND HEIGHTS MUNICIPAL COURT
CUYAHOGA COUNTY, OHIO

 Petitioner
 vs.
 Registrar, Bureau of Motor Vehicles
 Driver's License Division
 P.O. Box 16520
 Columbus, Ohio 43266-0020

Case No. _____
 BMV Case No. _____

Judge J.J. Costello

- MOTION FOR LIMITED DRIVING PRIVILEGES (\$110.00 Fee)**
 MOTION TO MODIFY/EXTEND LIMITED DRIVING PRIVILEGES (\$25.00 Fee)

Petitioner respectfully moves for an order granting limited driving privileges; extending limited driving privileges; modifying limited driving privileges.

Type of Suspension: _____

Occupational (if more than one include additional sheets)

Letter from employer is attached: Yes No

Employer Name: _____
 Address: _____
 Phone: _____

	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
Start							
End							

Educational (if more than one include additional sheets)

Letter from school is attached: Yes No

School Name: _____
 Address: _____
 Phone: _____

	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
Start							
End							

Medical and or Treatment Programs (if more than one include additional sheets)

Letter from doctor/treatment program is attached: Yes No

Provider Name: _____

Address: _____

Phone: _____

	Sun.	Mon.	Tues.	Wed.	Thurs.	Fri.	Sat.
Start							
End							

I need privileges for the following other reasons (provide reason, dates, times, and any applicable proof):

Proof of Insurance attached (90 days): Yes No

Are you the only member of your household with a license? Yes No

Respectfully submitted,

Signature: _____

Name: _____

Address: _____

Phone: _____

Email: _____

SSN: _____

License No. _____