

OPINION NO. 83-061**Syllabus:**

The Bureau of Motor Vehicles may not suspend an individual's driver's license, pursuant to R.C. 4509.37, on the basis of an unsatisfied judgment against the individual for damages resulting from "stripping a motor vehicle" because such a judgment does not arise out of "the ownership, maintenance or use" of a motor vehicle, as those terms are used in R.C. 4509.02(A).

To: Kenneth R. Cox, Director, Department of Highway Safety, Columbus, Ohio
By: Anthony J. Celebrezze, Jr., Attorney General, October 26, 1983

I have before me your request for my opinion concerning whether the Bureau of Motor Vehicles may suspend a person's driver's license on the basis of an unsatisfied civil judgment against the individual for damages resulting from "stripping a motor vehicle." You ask, further, whether, in such an instance, the Bureau may require proof of financial responsibility before reinstatement of the license.

It is possible for the Bureau of Motor Vehicles to suspend a license and require proof of financial responsibility for reinstatement in the situation you have described, only if R.C. 4509.02(A), R.C. 4509.35, R.C. 4509.37, and R.C. 4509.40, taken together, apply to judgments for damages in a civil action based upon allegations of "stripping a motor vehicle." It is my opinion that they do not.

R.C. 4509.02(A) defines "judgment," for the purposes of R.C. 4509.31 through R.C. 4509.67 (including the statutory provisions on financial responsibility), as:

any judgment which has become final by expiration without appeal of

the time within which an appeal might have been perfected, or by final affirmation on appeal rendered by a court of competent jurisdiction of any state or of the United States, upon a cause of action arising out of the ownership, maintenance, or use of any motor vehicle for damages, including damages for care and loss of services because of bodily injury to or death of any person, or for damages because of injury to or destruction of property, including the loss of use thereof, or upon a cause of action on an agreement of settlement for such damages. (Emphasis added.)

R.C. 4509.35 provides for a court to notify the Registrar of Motor Vehicles of an unsatisfied judgment, as follows:

Whenever any person fails within thirty days to satisfy a judgment rendered within this state, upon the written request of the judgment creditor or his attorney, the clerk of the court which rendered the judgment, or the judge if the court has no clerk, shall immediately forward a certified copy of the judgment to the registrar of motor vehicles.

R.C. 4509.37 specifies the action which the Registrar of Motor Vehicles is to take upon receipt of notification of such judgment. R.C. 4509.37 states in part:

The registrar of motor vehicles upon receipt of a certified copy of a judgment, shall forthwith suspend the license and registration and any nonresident's operating privilege of any person against whom such judgment was rendered. . . .

The length of such suspension, and the requirement of proof of financial responsibility before reinstatement of a license, is provided for in R.C. 4509.40, which states in full:

Any license, registration, and nonresident's operating privilege suspended for nonpayment of a judgment shall remain so suspended for a period of seven years from the effective date of suspension, and while such order is in force no license, registration, or permit to operate a motor vehicle shall be issued in the name of such person, including any such person not previously licensed. The registrar shall vacate the order of suspension upon proof that such judgment is stayed, or satisfied in full or to the extent provided in section 4509.41 of the Revised Code, subject to the exemptions stated in sections 4509.37, 4509.38, 4509.39, and 4509.42 of the Revised Code, and upon such person's filing with the registrar of motor vehicles evidence of financial responsibility in accordance with section 4509.45 of the Revised Code.

Construing these statutes together, I find that any judgment rendered in a civil action related to the ownership, maintenance or use of a motor vehicle will, if not satisfied within thirty days and if so requested in writing by the judgment creditor or his attorney, result in suspension of a person's license until the judgment is stayed or satisfied as required by R.C. 4509.40 and related provisions, and until proof of financial responsibility is established as set out in R.C. 4509.45.¹

¹ R.C. 4509.45 states:

Proof of financial responsibility when required under section 4507.41, 4509.32, 4509.33, 4509.34, 4509.38, 4509.40, 4509.42, or 4509.44 of the Revised Code may be given by filing any of the following:

- (A) A certificate of insurance as provided in section 4509.46 or 4509.47 of the Revised Code;
- (B) A bond as provided in section 4509.59 of the Revised Code;

In State of Ohio v. Munzberg, 5 Ohio App. 2d 275, 215 N.E. 2d 605 (Summit County 1966), the court directly addressed the question whether a driver's license may be suspended under R.C. 4509.35 and R.C. 4509.37 for failure to satisfy a property damage judgment. In that case, a motor vehicle accident was involved, but the court, in construing the definitions of "judgment" and "accident,"² noted that no reference is made in the statutes to an accident being a prerequisite to a judgment. The court stated that judgment means "any judgment not just a judgment arising out of accident." 5 Ohio App. 2d at 277, 215 N.E. 2d at 606. This would include judgments that evolve from civil actions brought by an insurance company trying to recoup the damage done to an automobile of one of its insured persons. Although the few cases on this topic involve motor vehicle accidents, the court's holding in Munzberg states that an accident is not necessary for a judgment.

Thus, the mere fact that, in the situation you have posed, the judgment did not result from an accident does not preclude the judgment from coming within the definition of R.C. 4509.02(A) and the provisions of R.C. 4509.35 and 4509.37. There remains, however, the question whether an action for damages arising out of the stripping of a motor vehicle is an action "arising out of the ownership, maintenance, or use of any motor vehicle," so as to bring an unsatisfied judgment for such action within the provisions of R.C. 4509.02(A) and, thus, R.C. 4509.35 and R.C. 4509.37.

R.C. 4509.02(A) includes as judgments, for purposes of R.C. 4509.31 through R.C. 4509.67, only judgments which relate to ownership, maintenance or use of an automobile. If the individual owns, maintains or uses a car in the typical sense, and, as a result, suffers a judgment which he does not satisfy, the provisions discussed above will apply and subject the person to license suspension and the financial responsibility requirements. The act of "stripping a motor vehicle" does not, however, come within the usual meaning of "ownership" or "maintenance" of an automobile, and it is my opinion that such an action is not a "use" of the automobile, either, for purposes of R.C. 4509.02(A). The verb "use" has been defined as meaning to employ for a certain end or purpose, First Federal Savings and Loan Association v. Williams, 55 Ohio L. Abs. 517, 520, 91 N.E. 2d 34, 36 (Ct.

(C) A certificate of deposit of money or securities as provided in section 4509.62 of the Revised Code;

(D) A certificate of self-insurance, as provided in section 4509.72 of the Revised Code, supplemented by an agreement by the self-insurer that, with respect to accidents occurring while the certificate is in force, he will pay the same amounts that an insurer would have been obligated to pay under an owner's motor vehicle liability policy if it had issued such a policy to the self-insurer.

Such proof shall be filed and maintained for three years from the date of suspension of operating privileges by the registrar of motor vehicles.

² R.C. 4509.01(J) defines "accident," for the purposes of R.C. 4509.01 to R.C. 4509.78 as follows: "'Accident' or 'motor vehicle accident' means any accident involving a motor vehicle which results in bodily injury to or death of any person, or damage to the property of any person in excess of one hundred fifty dollars."

³ See also Thompson v. Bureau of Motor Vehicles, 41 Ohio Misc. 41, 46, 322 N.E. 2d 374, 377 (C.P. Wayne County 1974) ("We may not read into Sections 4509.35 and 4509.37, Revised Code, a limitation on the word 'judgment' when Section 4509.02(A), Revised Code, says that 'judgment' as used in Sections 4509.35 and 4509.37, Revised Code, means 'any judgment' not just a judgment arising out of 'accident' as defined in this chapter of the Revised Code"). See generally Ridley v. Bureau of Motor Vehicles, 50 Ohio App. 2d 175, 361 N.E.2d 1350 (Cuyahoga County 1976) (concerning vacation of judgment after suspension has taken place); Mull v. Dollison, 66 Ohio App. 2d 38, 419 N.E.2d 888 (Fulton County 1979) (authority to suspend a license based upon a foreign judgment).

App. Summit County 1947), and the word, when used as a noun, has been defined as the act of employing anything, or state of being employed; application; employment; function; particular service; and, in legal parlance, that enjoyment of property which consists in its employment, occupation, exercise or practice. State v. Zumpano, 76 Ohio L. Abs. 434, 437, 146 N.E. 2d 871, 874 (Ct. App. Summit County 1956). It is my judgment that the act of "stripping a motor vehicle" is not the type of use of an automobile that these provisions of R.C. Chapter 4509 were meant to address. The title of the bill which enacted R.C. 4509.02 states that such enactment was intended to "eliminate the reckless and irresponsible driver from the highways and to provide for the giving of security and proof of financial responsibility by persons driving or owning motor vehicles." 1951 Ohio Laws 563 (Am. H.B. 168, eff. March 1, 1953). Further, courts have stated that the financial responsibility provisions of R.C. Chapter 4509 are intended to provide sanctions which would encourage owners and operators of motor vehicles on Ohio highways to obtain liability insurance sufficient in amount to protect others who might be injured through the negligent operation of a motor vehicle. See Iszczukiewicz v. Universal Underwriters Insurance Co., 182 F.Supp. 733, 735 (N.D. Ohio 1960), aff'd mem., 290 F.2d 590 (6th Cir. 1961). It is my opinion that the act of "stripping a motor vehicle" does not come within either the language or the purpose of R.C. 4509.02 and the related financial responsibility statutes.

It is true that an argument could be made that in "stripping a motor vehicle" an individual is making some sort of use of the motor vehicle. I find, however, that such an interpretation would defeat the purposes and meanings of the statutes. The suspension of a license and requirements of proving financial responsibility before reinstatement were meant to cover those who drive or otherwise operate a motor vehicle in such manner as to cause damage to persons or property, and then become liable for the circumstances of such operation, not to those who "strip" parts of an automobile or otherwise damage an automobile without ever driving the automobile or in any other manner using it as a motor vehicle.

It is clear from the language of R.C. 4509.37 that the Registrar's authority to suspend licenses under that section extends only to instances in which he receives a "certified copy of a judgment." "Judgment," as used in that section, has the definition given it in R.C. 4509.02(A). If the registrar receives a judgment that is not within the definition of judgment as provided for in that statute, he has no authority to suspend the license and require proof of financial responsibility before reinstatement. See generally R.C. 4501.02; Ohio Public Interest Action Group v. PUCO, 43 Ohio St. 2d 175, 331 N.E.2d 730 (1975) (a creature of the General Assembly may exercise no jurisdiction beyond that conferred by statute); Benua v. City of Columbus, 170 Ohio St. 64, 162 N.E.2d 467 (1959) (syllabus, paragraph 1) ("[w]here a legislative body incorporates in an enactment definitions of words and phrases used therein, such definitions will be controlling in making a determination of the legislative intent").

Thus, it is my opinion, and you are hereby advised, that the Bureau of Motor Vehicles may not suspend an individual's driver's license, pursuant to R.C. 4509.37, on the basis of an unsatisfied judgment against the individual for damages resulting from "stripping a motor vehicle" because such a judgment does not arise out of "the ownership, maintenance or use" of a motor vehicle, as those terms are used in R.C. 4509.02(A).