

*OAJ policy position  
on*

***HB 279 – No Pay/No Play strips uninsured drivers of a basic right***

The bill is fundamentally unfair. It denies a basic right to one set of Ohioans, uninsured drivers. The Ohio Constitution says that our courts shall be open, and every person who is injured shall have remedy by due course of law and shall have justice. It doesn't say rights are afforded only to those who buy insurance.

The bill punishes the poor. A report by Feeding America says 16.8% of Ohioans were "food insecure" in 2014, about the same as in 2013, with Ohio above the nationwide rate of 15.4%. According to the Ohio Association of Community Action Agencies, 16% of Ohioans live in poverty, and nearly a third were under the federal poverty line for at least some of 2015. It is not a coincidence that Ohio's uninsured motorist rate is estimated to be about 16%.

The bill denies poor Ohioans the ability to raise themselves out of poverty. Proponents say that driving is a privilege and that poor people should not drive if they don't have insurance, even if they are trying to get to a job. But public transportation isn't always available. So how are the poor supposed to get to their job, or their kids to school, or to the doctor?

This bill will NOT reduce the number of uninsured drivers. Poor people have to make hard life choices – they have to decide whether to pay the rent, keep the utilities turned on, put food on the table, keep the car running, or buy insurance. This bill won't change that calculation because, frankly, they won't know about this new law.

Ohio already has stiff penalties for driving without insurance. There are fines and reinstatement fees of \$150 to \$650. You can lose your driving privileges for up to 2 years. Your license plates and vehicle registration can be suspended. Your car can be impounded. You can even go to jail. If the current, stiff penalties aren't enough to cause poor people to get insurance, what makes proponents think that some legal scheme like this bill will make a difference?

Uninsured drivers who are badly hurt in an accident will get slapped a second time because they won't get reimbursed fairly for their losses. They won't be able to find an attorney to represent them, even if they are severely injured. Attorneys are not likely to take cases involving only economic damages, such as car repairs, medical expenses and wage loss. Not having an attorney means poor, uninsured drivers won't have the legal knowledge or leverage to get a fair settlement from the at-fault driver's insurance company.

Taxpayers are going to suffer losses, too. The Medicaid program that initially pays for medical bills for many poor people counts on the injured person to recover their damages from the at-fault driver or drivers insurance and repay Medicaid. If non-

economic damages cannot be recovered, uninsured drivers who are hurt in a car accident are less likely to pursue their claims. The result is that fewer dollars are recovered that would otherwise be repaid to the Medicaid and to private health insurers.

This bill PROTECTS reckless or distracted drivers who are totally at fault for the accident. The bill says at-fault drivers who have the “good fortune” of hitting an uninsured driver don’t have to pay for all the damage they do.

This bill may generate lots of litigation to resolve disputes over the failure to maintain insurance. Legally, failure occurs if a person makes a late premium payment at any point during the one-year registration period (RC 4509). This bill gives the insurance company for the at-fault driver a strong financial incentive to challenge whether the injured person maintained insurance.