

Court of Claims of Ohio

The Ohio Judicial Center
65 South Front Street, Third Floor
Columbus, OH 43215
614.387.9800 or 1.800.824.8263
www.cco.state.oh.us

MARVIN BELL

Plaintiff

v.

BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2007-08066-AD

Deputy Clerk Daniel R. Borchert

MEMORANDUM DECISION

{¶ 1} Plaintiff, Marvin Bell, filed this action against defendant, Bureau of Motor Vehicles (“BMV”), alleging he was prohibited from obtaining a duplicate driver’s license by a BMV Deputy Registrar in Columbus. Plaintiff recalled he went to the BMV license agency in Columbus on October 15, 2007 to obtain a duplicate driver’s license, but was informed by an employee identified as Victoria Clark that a duplicate license could not be issued due to the fact the State of Missouri had filed some type of block against his driver’s license. Plaintiff related he then requested a copy of the document ordering the block on reissue of his driver’s license, but this request was refused by Victoria Clark. Subsequently, plaintiff filed this complaint seeking to recover \$19.00, the fee charged for a duplicate driver’s license. Payment of the \$25.00 filing fee was waived.

{¶ 2} Defendant specifically denied plaintiff was prohibited from obtaining a duplicate driver’s license as a result of a block issued by the State of Missouri, although defendant acknowledged plaintiff was prevented from being issued a duplicate license acting on a court order filed by the Franklin County Municipal Court in Columbus. Defendant explained BMV received information from the Franklin County Municipal

Court regarding the existence of an outstanding warrant for plaintiff's arrest and acting pursuant to statute (R.C. 4507.091¹), BMV sent plaintiff a "Notice of Driver License And Registration Block" ("notice"), dated August 1, 2007. Defendant noted plaintiff did not receive the mailed notice since it was returned to BMV marked "Not here." Defendant submitted a copy of the Notice which included the following information:

{¶ 3} "Notice of Block: The court listed below has reported to the Ohio Bureau of Motor Vehicles (BMV) that there is an outstanding warrant for your arrest. Because of that warrant, you cannot be issued a temporary instruction permit, driver license, or commercial driver license. Also, you cannot register any motor vehicle in Ohio.

{¶ 4} "Duration: This block will not end until the court clears your case and you meet all BMV requirements.

{¶ 5} "How to Comply:

{¶ 6} "1. You must first contact the court and comply with all court orders and requirements. The court will then notify the Bureau of Motor Vehicles to release the block.

{¶ 7} "2. You must also submit a processing fee of \$15 directly to the BMV. Please utilize the enclosed BMV 2007 payment remittance stub and envelope when submitted this \$15 fee. You may also pay this fee at any of the Regional Service Centers listed on the back of this notice.

{¶ 8} "3. Once all requirements are met, the BMV will send you a clearance letter allowing you to go to a Deputy Registrar to complete any needed driver license or vehicle registration transactions."

{¶ 9} No evidence has been submitted to show defendant acted improperly or in

¹ R.C. 4507.091(A) provides:

(A) A municipal court, county court, or mayor's court, at the court's discretion, may order the clerk of the court to send to the registrar of motor vehicles a report containing the name, address, and such other information as the registrar may require by rule, of any person for whom an arrest warrant has been issued by that court and is outstanding.

Upon receipt of such a report, the registrar shall enter the information contained in the report into the records of the bureau of motor vehicles. Neither the registrar nor any deputy registrar shall issue a temporary instruction permit or driver's or commercial driver's license to the person named in the report, or renew the driver's or commercial driver's license of such person, until the registrar receives notification from the municipal court, county court, or mayors' court that there are no outstanding arrest warrants in the name of the person. The registrar also shall send a notice to the person who is named in the report, via regular first class mail sent to the person's last known address as shown in the records of the bureau, informing the person that neither the registrar nor any deputy registrar is permitted to issue a temporary instruction permit or driver's or commercial driver's license to the person, or renew the driver's or commercial driver's license of the person, until the registrar receives notification that there are no outstanding arrest warrants in the name of the person."



error when making an attempt to send the Notice to plaintiff.

{¶ 10} Defendant reported the warrant block from the order of the Franklin County Municipal Court remained in effect until BMV received information releasing the block and payment by the plaintiff of the \$15.00 processing fee on or about December 20, 2007. Plaintiff applied for and was issued a duplicate driver's license. Defendant specifically denied making any error in regard to plaintiff's driver's license status or failing to comply with any statutory directive.

{¶ 11} Resulting damages may be recovered when a plaintiff proves, by a preponderance of the evidence, his driving privileges were revoked as a result of record keeping on the part of BMV. *Henighan v. Ohio Dept. of Public Safety* (1997), 97-01619-AD; *Jordan v. Bureau of Motor Vehicles* (1998), 97-10341-AD. Plaintiff in the instant claim has failed to prove his driving privileges were revoked, defendant engaged in faulty record keeping, and he suffered any monetary damages. Plaintiff is barred from recovery in situations where BMV performs statutory duties acting in reliance upon records supplied by a court. *Raheem v. Ohio Bur. of Motor Vehicles*, Ct. of Cl. No. 2006-06043-AD, jud, 2007-Ohio-1987. Plaintiff, in the instant claim, has failed to establish defendant at any time erroneously recorded his driver's license status or acted without statutory authority. Therefore, plaintiff's claim is denied.

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ENTRY OF ADMINISTRATIVE DETERMINATION

Having considered all the evidence in the claim file and, for the reasons set forth in the memorandum decision filed concurrently herewith, judgment is rendered in favor of defendant. Court costs are assessed against plaintiff.

DANIEL R. BORCHERT
Deputy Clerk

Entry cc:

Marvin Bell
125 East Broad Street
Columbus, Ohio 43215

John R Guldin, Associate Legal Counsel
Department of Public Safety
Legal Services
1970 West Broad Street
P.O. Box 182081
Columbus, Ohio 43218-2081

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