

[Cite as *Sims v. Bur. of Motor Vehicles*, 2016-Ohio-799.]

CHRISTOPHER SIMS

Plaintiff

v.

BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2015-00939-AD

Clerk Mark H. Reed

MEMORANDUM DECISION

---

{¶1} On November 3, 2015, Christopher Sims (hereinafter “plaintiff”) filed a complaint in this Court against the Ohio Bureau of Motor Vehicles (hereinafter “BMV”). On November 12, 2015, the BMV filed an Investigation Report that demonstrated that there is no substantial dispute between the parties as to the following facts:

{¶2} On October 10, 2015, the plaintiff was driving his motor vehicle in Grandview Heights, Franklin County, Ohio when he was ticketed by the Grandview Heights’ police for operating a motor vehicle while having a suspended driver’s license. The suspension occurred as a result of a series of events that began in August, 2015.

{¶3} On September 2, 2015, the BMV sent plaintiff a notice stating that a noncompliance suspension would be imposed upon plaintiff’s driver’s license unless he provided timely and valid proof of insurance on a vehicle bearing the license plate “PGL4216” for an August 10, 2015 violation date. Plaintiff provided documentation of financial responsibility insurance that did not cover the vehicle in question, which was owned by his employer. Thus, on September 15, 2015, Defendant BMV sent plaintiff an additional letter requiring him to submit a letter from his employer verifying that he was authorized to drive the employer’s vehicle as well as a copy of an insurance card covering the vehicle on the August 10, 2015 violation date. It appears that plaintiff sent the September 28, 2015 letter and proof of insurance coverage from his employer to the BMV. However, due to a computer error,

plaintiff's driving record was not updated to clear his noncompliance suspension. Upon discovering the error, Defendant BMV corrected plaintiff's driving record and cleared the noncompliance suspension. This correction did not occur however before plaintiff received his traffic ticket.

{¶4} Defendant BMV admits that the computer error prevented plaintiff's driving record from being updated to clear the suspension imposed upon his driver's license. Defendant BMV further admits that it is liable for the \$193.50 in towing and impoundment costs plaintiff incurred, if plaintiff could show that he and not his employer actually incurred the costs for the towing and impoundment. However, Defendant BMV denies that it is liable to plaintiff for \$151.77 in lost wages since BMV maintains that the plaintiff has failed to provide evidence of such lost wages or proven a sufficient causal link between Defendant BMV's error and the lost wages.

{¶5} In a response filed December 1, 2015, the plaintiff submitted documentation, including receipts and bank statements sufficient to show that he, and not his employer, actually incurred the \$193.50 in towing and impoundment costs. Additionally, the Court finds that there is indeed a sufficient causal connection between the negligent acts of the BMV and plaintiff's claim for lost wages, to establish BMV's liability for these expenses. The Court also finds, based on the payroll statements submitted by the plaintiff, that his claim for lost wages in the amount of \$151.77 is reasonable.

{¶6} Therefore, the Court does find the BMV to be liable to the plaintiff in the amount of \$193.50 for the towing and impounding of his vehicle and also for plaintiff's lost wages of \$151.77, as well as for his fees and court costs he has expended in pursuing this action.

**IN THE COURT OF CLAIMS OF OHIO**

CHRISTOPHER SIMS

Plaintiff

v.

BUREAU OF MOTOR VEHICLES

Defendant

Case No. 2015-00939-AD

Clerk Mark H. Reed

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 plaintiff in the amount of \$370.27, which includes the filing fee. Court costs are assessed against defendant.

---

MARK H. REED  
Clerk

Entry cc:

Christopher Sims  
2069 Harwitch Road  
Columbus, Ohio 43221

Winston M. Ford, Associate Legal Counsel  
Bureau of Motor Vehicles  
1970 West Broad Street, Suite 531  
Columbus, Ohio 43223