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OHIO LAW WILL REQUIRE SPECIAL PLATES

Scarlet letters to flag drunken drivers take effect tomorrow

By **JAMES DREW**
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COLUMBUS - If you're thinking about drinking alcohol and then trying to drive tonight in Ohio, here's another reason why you shouldn't - public humiliation.

Inmates at the Lebanon state prison make the new plates.

You could end up as part of a limited class of first-time drunken-driving offenders who must use yellow license plates with red numbers if a judge grants you limited driving privileges while under suspension.

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The head of the Ohio Criminal Sentencing Commission refers to the license plates as the "Scarlet Letter," an allusion to the 1850 novel by Nathaniel Hawthorne about a woman ordered to wear the letter A as punishment for adultery.

In 2002, state legislators approved a 1,023-page bill to overhaul Ohio traffic laws. One provision, which takes effect tomorrow, requires all drivers convicted of driving under the influence of alcohol or drugs to use the yellow-and-red plates.

Ohio has had so-called "DUI plates" since 1967, but judges have had the option to choose whether they are used, and most have chosen not to do so.

Tomorrow, that discretion ends.

"If you are convicted of drinking and driving on Jan. 1 and after you serve the 15-day suspension with no possibility of driving privileges and if the judge grants you driving privileges, any vehicle driven by that person must carry the yellow-and-scarlet plates," said David Diroll, executive director of the Ohio Criminal Sentencing Commission. He referred to Nathaniel Hawthorne's novel, *The Scarlet Letter*.

After the suspension is over, the motorist can use regular plates on the vehicles he or she owns or drives.

But Mr. Diroll said first-time offenders mistakenly were included in the new law.

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The commission had recommended that the mandated yellow-and-red plates apply only to those convicted of DUI two or more times. DUI is now renamed OVI for "operating a vehicle under the influence."

A Senate committee and the 33-member Senate are expected to take action sometime this month on the bill so that first-time offenders no longer will have to display the yellow-and-red plates on vehicles they own or drive.

Unless an offender owns a company, he or she won't have to display the plates on company cars. But offenders who use company cars will have to carry a written notice that their employers are aware that they must use the yellow-and-red plates on personal vehicles they drive, said Julie Hinds, a spokesman for the Ohio Bureau of Motor Vehicles.

Mr. Diroll said the sentencing commission did not want to require first-time offenders to use the yellow-and-red plates because they "stigmatize" spouses, children, and anyone else riding in the vehicle.

"We felt that for repeat offenders, this is something that spouses or others can use to jawbone the person not to do it anymore," he said.

Given that the legislature is expected to act sometime in January to exempt first offenders from the new law, the Ohio Highway Patrol has not publicized the yellow-and-red plates as part of its anti-drunk driving campaign for the New Year's holiday, said Sgt. Rick Zwayer.

"Although there may be some period of limbo for that particular law regarding the restricted plates, the intention of the troopers will be to deter DUI through education, through community efforts such as speaking to groups, and with strict enforcement letting people know that if you get caught, there are other penalties aside from just the restricted plates," he said.

A year ago, there were five traffic fatalities in Ohio around the New Year's Eve holiday - two crashes on state and federal highways, two on city streets, and one on an interstate highway outside a city.

Four of the five people killed were not wearing seat belts and three had used alcohol, Sergeant Zwayer said.

In mid-December, all 214 deputy registrars and the two state-run facilities in Ohio received a shipment of 25 yellow-and-red license plates, said Ms. Hinds, the spokesman for the state Bureau of Motor Vehicles. That's on top of what they had in stock, she said.

The state also has 11,000 sets in a warehouse that can be shipped if needed, said Ms. Hinds, who added that inmates at the Lebanon state prison in Warren County make the plates.

Cleve Johnson, a Columbus defense attorney, said he believes the plates will go unused by first offenders.

"For those who know what they're doing, they won't plead guilty in January or February. That will just bog the courts down. The cases will be continued, the legislature will act, and then those people won't have to have the special plates," he said.

Judge John Adkins of Centerville Municipal Court said he often has ordered use of the plates for second offenders and above since he took the bench in 1990.

About 17,600 motorists in Ohio have limited driving privileges while under suspension. The total includes drunken-driving suspensions and those who drove without insurance.

But because judges have the option of requiring the yellow-and-red plates, there are only 1,500 sets on the roads, the state says.

"They are a magnet for the highway patrol," said Judge Adkins. "We tell people who have to use them that law-enforcement officers will be looking all over your car. And that works. The highway patrol tells me these people with the plates drive right down the center of the lane going 55 mph."

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