

**As Concurred by the Senate**

**127th General Assembly**

**Regular Session**

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**Am. Sub. S. B. No. 17**

**Senator Grendell**

**Cosponsors: Senators Harris, Gardner, Schuring, Schaffer, Mason, Carey,  
Cates, Cafaro, Fedor, Goodman, Jacobson, Mumper, Niehaus, Padgett,  
Roberts, Sawyer, Faber, Spada, Stivers, Wilson, Bocchieri, Morano, Buehrer,  
Wagoner, Austria**

**Representatives Uecker, Dyer, Sears, Core, DeGeeter, Batchelder, Budish,  
Chandler, Combs, Dodd, Dolan, Domenick, Evans, Fende, Flowers, Gerberry,  
Hagan, J., Harwood, Hottinger, Jones, Koziura, Letson, Luckie, Lundy, Nero,  
Newcomb, Patton, Peterson, Raussen, Schindel, Schlichter, Schneider,  
Strahorn, Szollosi, Ujvagi, Wagner, White, Yuko**

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**A B I L L**

To amend sections 1547.11, 1547.111, 1547.99, 1  
2929.18, 2929.28, 2945.75, 4503.231, 4503.233, 2  
4510.13, 4510.43, 4511.181, 4511.19, 4511.191, 3  
4511.192, and 4511.203 and to enact sections 4  
4503.235, 4510.45, 4510.46, 4511.198, and 5502.10 5  
of the Revised Code to increase certain penalties 6  
for repeat OVI offenders; to authorize a court to 7  
issue a vehicle immobilization waiver order in 8  
favor of specified family members of an OVI 9  
offender; to specify that wrongful entrustment of 10  
a motor vehicle applies when a vehicle is subject 11  
to a vehicle immobilization order and a subject 12  
person is prohibited from operating the vehicle; 13  
to require a person with two prior applicable 14  
convictions to submit upon request to a chemical 15

test under the vehicle or watercraft Implied 16  
Consent Law; to require the consideration of 17  
certain prior convictions in determining the 18  
length of a refusal suspension under the vehicle 19  
Implied Consent Law; to expand the list of 20  
offenses that are "equivalent offenses" for 21  
certain vehicle or watercraft OVI purposes; to 22  
clarify the application of a qualified immunity to 23  
persons who withdraw blood at the request of law 24  
enforcement personnel pursuant to the Implied 25  
Consent Law; to expand the circumstances when 26  
evidence on the concentration of alcohol or drugs 27  
of abuse in a bodily substance may be admitted in 28  
a watercraft OVI case; to require the Department 29  
of Public Safety to establish a state registry of 30  
Ohio's habitual OVI/OMWI offenders and an Internet 31  
database, both of which are public records, 32  
containing information about persons who on or 33  
after the act's effective date receive their fifth 34  
or subsequent Ohio conviction within the preceding 35  
twenty years for vehicle OVI or watercraft OMWI; 36  
to revise the criteria for certification of 37  
ignition interlock devices; to authorize a court 38  
to impose as a financial sanction reimbursement of 39  
the cost of immobilizing and disabling devices 40  
required for limited driving privileges; and to 41  
create the indigent drivers interlock and alcohol 42  
monitoring fund. 43

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**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

Section 1. That sections 1547.11, 1547.111, 1547.99, 2929.18, 46  
2929.28, 2945.75, 4503.231, 4503.233, 4510.13, 4510.43, 4511.181, 47  
4511.19, 4511.191, 4511.192, and 4511.203 be amended and sections 48  
4503.235, 4510.45, 4510.46, 4511.198, and 5502.10 of the Revised 49  
Code be enacted to read as follows: 50

Sec. 1547.11. (A) No person shall operate or be in physical 51  
control of any vessel underway or shall manipulate any water skis, 52  
aquaplane, or similar device on the waters in this state if, at 53  
the time of the operation, control, or manipulation, any of the 54  
following applies: 55

(1) The person is under the influence of alcohol, a drug of 56  
abuse, or a combination of them. 57

(2) The person has a concentration of eight-hundredths of one 58  
per cent or more by weight of alcohol per unit volume in the 59  
person's whole blood. 60

(3) The person has a concentration of ninety-six-thousandths 61  
of one per cent or more by weight per unit volume of alcohol in 62  
the person's blood serum or plasma. 63

(4) The person has a concentration of eleven-hundredths of 64  
one gram or more by weight of alcohol per one hundred milliliters 65  
of the person's urine. 66

(5) The person has a concentration of eight-hundredths of one 67  
gram or more by weight of alcohol per two hundred ten liters of 68  
the person's breath. 69

(6) Except as provided in division (H) of this section, the 70  
person has a concentration of any of the following controlled 71  
substances or metabolites of a controlled substance in the 72  
person's whole blood, blood serum or plasma, or urine that equals 73  
or exceeds any of the following: 74

(a) The person has a concentration of amphetamine in the 75  
person's urine of at least five hundred nanograms of amphetamine 76  
per milliliter of the person's urine or has a concentration of 77  
amphetamine in the person's whole blood or blood serum or plasma 78  
of at least one hundred nanograms of amphetamine per milliliter of 79  
the person's whole blood or blood serum or plasma. 80

(b) The person has a concentration of cocaine in the person's 81  
urine of at least one hundred fifty nanograms of cocaine per 82  
milliliter of the person's urine or has a concentration of cocaine 83  
in the person's whole blood or blood serum or plasma of at least 84  
fifty nanograms of cocaine per milliliter of the person's whole 85  
blood or blood serum or plasma. 86

(c) The person has a concentration of cocaine metabolite in 87  
the person's urine of at least one hundred fifty nanograms of 88  
cocaine metabolite per milliliter of the person's urine or has a 89  
concentration of cocaine metabolite in the person's whole blood or 90  
blood serum or plasma of at least fifty nanograms of cocaine 91  
metabolite per milliliter of the person's whole blood or blood 92  
serum or plasma. 93

(d) The person has a concentration of heroin in the person's 94  
urine of at least two thousand nanograms of heroin per milliliter 95  
of the person's urine or has a concentration of heroin in the 96  
person's whole blood or blood serum or plasma of at least fifty 97  
nanograms of heroin per milliliter of the person's whole blood or 98  
blood serum or plasma. 99

(e) The person has a concentration of heroin metabolite 100  
(6-monoacetyl morphine) in the person's urine of at least ten 101  
nanograms of heroin metabolite (6-monoacetyl morphine) per 102  
milliliter of the person's urine or has a concentration of heroin 103  
metabolite (6-monoacetyl morphine) in the person's whole blood or 104  
blood serum or plasma of at least ten nanograms of heroin 105  
metabolite (6-monoacetyl morphine) per milliliter of the person's 106

whole blood or blood serum or plasma. 107

(f) The person has a concentration of L.S.D. in the person's 108  
urine of at least twenty-five nanograms of L.S.D. per milliliter 109  
of the person's urine or has a concentration of L.S.D. in the 110  
person's whole blood or blood serum or plasma of at least ten 111  
nanograms of L.S.D. per milliliter of the person's whole blood or 112  
blood serum or plasma. 113

(g) The person has a concentration of marihuana in the 114  
person's urine of at least ten nanograms of marihuana per 115  
milliliter of the person's urine or has a concentration of 116  
marihuana in the person's whole blood or blood serum or plasma of 117  
at least two nanograms of marihuana per milliliter of the person's 118  
whole blood or blood serum or plasma. 119

(h) Either of the following applies: 120

(i) The person is under the influence of alcohol, a drug of 121  
abuse, or a combination of them, and, as measured by gas 122  
chromatography mass spectrometry, the person has a concentration 123  
of marihuana metabolite in the person's urine of at least fifteen 124  
nanograms of marihuana metabolite per milliliter of the person's 125  
urine or has a concentration of marihuana metabolite in the 126  
person's whole blood or blood serum or plasma of at least five 127  
nanograms of marihuana metabolite per milliliter of the person's 128  
whole blood or blood serum or plasma. 129

(ii) As measured by gas chromatography mass spectrometry, the 130  
person has a concentration of marihuana metabolite in the person's 131  
urine of at least thirty-five nanograms of marihuana metabolite 132  
per milliliter of the person's urine or has a concentration of 133  
marihuana metabolite in the person's whole blood or blood serum or 134  
plasma of at least fifty nanograms of marihuana metabolite per 135  
milliliter of the person's whole blood or blood serum or plasma. 136

(i) The person has a concentration of methamphetamine in the 137

person's urine of at least five hundred nanograms of 138  
methamphetamine per milliliter of the person's urine or has a 139  
concentration of methamphetamine in the person's whole blood or 140  
blood serum or plasma of at least one hundred nanograms of 141  
methamphetamine per milliliter of the person's whole blood or 142  
blood serum or plasma. 143

(j) The person has a concentration of phencyclidine in the 144  
person's urine of at least twenty-five nanograms of phencyclidine 145  
per milliliter of the person's urine or has a concentration of 146  
phencyclidine in the person's whole blood or blood serum or plasma 147  
of at least ten nanograms of phencyclidine per milliliter of the 148  
person's whole blood or blood serum or plasma. 149

(B) No person under twenty-one years of age shall operate or 150  
be in physical control of any vessel underway or shall manipulate 151  
any water skis, aquaplane, or similar device on the waters in this 152  
state if, at the time of the operation, control, or manipulation, 153  
any of the following applies: 154

(1) The person has a concentration of at least two-hundredths 155  
of one per cent, but less than eight-hundredths of one per cent by 156  
weight per unit volume of alcohol in the person's whole blood. 157

(2) The person has a concentration of at least 158  
three-hundredths of one per cent but less than 159  
ninety-six-thousandths of one per cent by weight per unit volume 160  
of alcohol in the person's blood serum or plasma. 161

(3) The person has a concentration of at least twenty-eight 162  
one-thousandths of one gram, but less than eleven-hundredths of 163  
one gram by weight of alcohol per one hundred milliliters of the 164  
person's urine. 165

(4) The person has a concentration of at least two-hundredths 166  
of one gram, but less than eight-hundredths of one gram by weight 167  
of alcohol per two hundred ten liters of the person's breath. 168

(C) In any proceeding arising out of one incident, a person 169  
may be charged with a violation of division (A)(1) and a violation 170  
of division (B)(1), (2), (3), or (4) of this section, but the 171  
person shall not be convicted of more than one violation of those 172  
divisions. 173

(D)(1)(a) In any criminal prosecution or juvenile court 174  
proceeding for a violation of division (A) or (B) of this section 175  
or for an equivalent offense that is watercraft-related, the 176  
result of any test of any blood or urine withdrawn and analyzed at 177  
any health care provider, as defined in section 2317.02 of the 178  
Revised Code, may be admitted with expert testimony to be 179  
considered with any other relevant and competent evidence in 180  
determining the guilt or innocence of the defendant. 181

(b) In any criminal prosecution or juvenile court proceeding 182  
for a violation of division (A) or (B) of this section or for an 183  
equivalent ~~violation~~ offense that is watercraft-related, the court 184  
may admit evidence on the concentration of alcohol, drugs of 185  
abuse, controlled substances, metabolites of a controlled 186  
substance, or a combination of them in the defendant's or child's 187  
whole blood, blood serum or plasma, urine, or breath at the time 188  
of the alleged violation as shown by chemical analysis of the 189  
substance withdrawn, or specimen taken within three hours of the 190  
time of the alleged violation. The three-hour time limit specified 191  
in this division regarding the admission of evidence does not 192  
extend or affect the two-hour time limit specified in division (C) 193  
of section 1547.111 of the Revised Code as the maximum period of 194  
time during which a person may consent to a chemical test or tests 195  
as described in that section. The court may admit evidence on the 196  
concentration of alcohol, drugs of abuse, or a combination of them 197  
as described in this division when 198

When a person submits to a blood, breath, urine, or other 199  
bodily substance test, ~~only~~ at the request of a law enforcement 200

officer under section 1547.111 of the Revised Code or a blood or 201  
urine sample is obtained pursuant to a search warrant. Only a 202  
physician, a registered nurse, or a qualified technician, chemist, 203  
or phlebotomist shall withdraw blood for the purpose of 204  
determining the alcohol, drug, controlled substance, metabolite of 205  
a controlled substance, or combination content of the whole blood, 206  
blood serum, or blood plasma. This limitation does not apply to 207  
the taking of breath or urine specimens. A person authorized to 208  
withdraw blood under this division may refuse to withdraw blood 209  
under this division if, in that person's opinion, the physical 210  
welfare of the defendant or child would be endangered by 211  
withdrawing blood. 212

The whole blood, blood serum or plasma, urine, or breath 213  
withdrawn under division (D)(1)(b) of this section shall be 214  
analyzed in accordance with methods approved by the director of 215  
health by an individual possessing a valid permit issued by the 216  
director pursuant to section 3701.143 of the Revised Code. 217

(2) In a criminal prosecution or juvenile court proceeding 218  
for a violation of division (A) of this section or for ~~a violation~~ 219  
~~of a prohibition that is substantially an equivalent to division~~ 220  
~~(A) of this section~~ offense that is watercraft-related, if there 221  
was at the time the bodily substance was taken a concentration of 222  
less than the applicable concentration of alcohol specified for a 223  
violation of division (A)(2), (3), (4), or (5) of this section or 224  
less than the applicable concentration of a listed controlled 225  
substance or a listed metabolite of a controlled substance 226  
specified for a violation of division (A)(6) of this section, that 227  
fact may be considered with other competent evidence in 228  
determining the guilt or innocence of the defendant or in making 229  
an adjudication for the child. This division does not limit or 230  
affect a criminal prosecution or juvenile court proceeding for a 231  
violation of division (B) of this section or for a violation of a 232

prohibition that is substantially equivalent to that division. 233

(3) Upon the request of the person who was tested, the 234  
results of the chemical test shall be made available to the person 235  
or the person's attorney immediately upon completion of the test 236  
analysis. 237

~~The~~ If the chemical test was administered pursuant to 238  
division (D)(1)(b) of this section, the person tested may have a 239  
physician, a registered nurse, or a qualified technician, chemist, 240  
or phlebotomist of the person's own choosing administer a chemical 241  
test or tests in addition to any administered at the direction of 242  
a law enforcement officer, and shall be so advised. The failure or 243  
inability to obtain an additional test by a person shall not 244  
preclude the admission of evidence relating to the test or tests 245  
taken at the direction of a law enforcement officer. 246

(E)(1) In any criminal prosecution or juvenile court 247  
proceeding for a violation of division (A) or (B) of this section 248  
~~or for an equivalent violation, of a municipal ordinance relating~~ 249  
to operating or being in physical control of any vessel underway 250  
or to manipulating any water skis, aquaplane, or similar device on 251  
the waters of this state while under the influence of alcohol, a 252  
drug of abuse, or a combination of them, or of a municipal 253  
ordinance relating to operating or being in physical control of 254  
any vessel underway or to manipulating any water skis, aquaplane, 255  
or similar device on the waters of this state with a prohibited 256  
concentration of alcohol, a controlled substance, or a metabolite 257  
of a controlled substance in the whole blood, blood serum or 258  
plasma, breath, or urine, if a law enforcement officer has 259  
administered a field sobriety test to the operator or person found 260  
to be in physical control of the vessel underway involved in the 261  
violation or the person manipulating the water skis, aquaplane, or 262  
similar device involved in the violation and if it is shown by 263  
clear and convincing evidence that the officer administered the 264

test in substantial compliance with the testing standards for 265  
reliable, credible, and generally accepted field sobriety tests 266  
for vehicles that were in effect at the time the tests were 267  
administered, including, but not limited to, any testing standards 268  
then in effect that have been set by the national highway traffic 269  
safety administration, that by their nature are not clearly 270  
inapplicable regarding the operation or physical control of 271  
vessels underway or the manipulation of water skis, aquaplanes, or 272  
similar devices, all of the following apply: 273

(a) The officer may testify concerning the results of the 274  
field sobriety test so administered. 275

(b) The prosecution may introduce the results of the field 276  
sobriety test so administered as evidence in any proceedings in 277  
the criminal prosecution or juvenile court proceeding. 278

(c) If testimony is presented or evidence is introduced under 279  
division (E)(1)(a) or (b) of this section and if the testimony or 280  
evidence is admissible under the Rules of Evidence, the court 281  
shall admit the testimony or evidence, and the trier of fact shall 282  
give it whatever weight the trier of fact considers to be 283  
appropriate. 284

(2) Division (E)(1) of this section does not limit or 285  
preclude a court, in its determination of whether the arrest of a 286  
person was supported by probable cause or its determination of any 287  
other matter in a criminal prosecution or juvenile court 288  
proceeding of a type described in that division, from considering 289  
evidence or testimony that is not otherwise disallowed by division 290  
(E)(1) of this section. 291

(F)(1) Subject to division (F)(3) of this section, in any 292  
criminal prosecution or juvenile court proceeding for a violation 293  
of division (A) or (B) of this section or for an equivalent 294  
violation offense that is substantially equivalent to either of 295

those divisions, the court shall admit as prima-facie evidence a 296  
laboratory report from any laboratory personnel issued a permit by 297  
the department of health authorizing an analysis as described in 298  
this division that contains an analysis of the whole blood, blood 299  
serum or plasma, breath, urine, or other bodily substance tested 300  
and that contains all of the information specified in this 301  
division. The laboratory report shall contain all of the 302  
following: 303

(a) The signature, under oath, of any person who performed 304  
the analysis; 305

(b) Any findings as to the identity and quantity of alcohol, 306  
a drug of abuse, a controlled substance, a metabolite of a 307  
controlled substance, or a combination of them that was found; 308

(c) A copy of a notarized statement by the laboratory 309  
director or a designee of the director that contains the name of 310  
each certified analyst or test performer involved with the report, 311  
the analyst's or test performer's employment relationship with the 312  
laboratory that issued the report, and a notation that performing 313  
an analysis of the type involved is part of the analyst's or test 314  
performer's regular duties; 315

(d) An outline of the analyst's or test performer's 316  
education, training, and experience in performing the type of 317  
analysis involved and a certification that the laboratory 318  
satisfies appropriate quality control standards in general and, in 319  
this particular analysis, under rules of the department of health. 320

(2) Notwithstanding any other provision of law regarding the 321  
admission of evidence, a report of the type described in division 322  
(F)(1) of this section is not admissible against the defendant or 323  
child to whom it pertains in any proceeding, other than a 324  
preliminary hearing or a grand jury proceeding, unless the 325  
prosecutor has served a copy of the report on the defendant's or 326

child's attorney or, if the defendant or child has no attorney, on 327  
the defendant or child. 328

(3) A report of the type described in division (F)(1) of this 329  
section shall not be prima-facie evidence of the contents, 330  
identity, or amount of any substance if, within seven days after 331  
the defendant or child to whom the report pertains or the 332  
defendant's or child's attorney receives a copy of the report, the 333  
defendant or child or the defendant's or child's attorney demands 334  
the testimony of the person who signed the report. The judge in 335  
the case may extend the seven-day time limit in the interest of 336  
justice. 337

(G) Except as otherwise provided in this division, any 338  
physician, registered nurse, or qualified technician, chemist, or 339  
phlebotomist who withdraws blood from a person pursuant to this 340  
section or section 1547.111 of the Revised Code, and a hospital, 341  
first-aid station, or clinic at which blood is withdrawn from a 342  
person pursuant to this section or section 1547.111 of the Revised 343  
Code, is immune from criminal and civil liability based upon a 344  
claim of assault and battery or any other claim that is not a 345  
claim of malpractice, for any act performed in withdrawing blood 346  
from the person. The immunity provided in this division is not 347  
available to a person who withdraws blood if the person engages in 348  
willful or wanton misconduct. 349

(H) Division (A)(6) of this section does not apply to a 350  
person who operates or is in physical control of a vessel underway 351  
or manipulates any water skis, aquaplane, or similar device while 352  
the person has a concentration of a listed controlled substance or 353  
a listed metabolite of a controlled substance in the person's 354  
whole blood, blood serum or plasma, or urine that equals or 355  
exceeds the amount specified in that division, if both of the 356  
following apply: 357

(1) The person obtained the controlled substance pursuant to 358

a prescription issued by a licensed health professional authorized 359  
to prescribe drugs. 360

(2) The person injected, ingested, or inhaled the controlled 361  
substance in accordance with the health professional's directions. 362

(I) As used in this section and section 1547.111 of the 363  
Revised Code: 364

(1) "~~Equivalent violation offense~~" ~~means a violation of a~~ 365  
~~municipal ordinance, law of another state, or law of the United~~ 366  
~~States that is substantially equivalent to division (A) or (B) of~~ 367  
~~this section~~ has the same meaning as in section 4511.181 of the 368  
Revised Code. 369

(2) "National highway traffic safety administration" has the 370  
same meaning as in section 4511.19 of the Revised Code. 371

(3) "Operate" means that a vessel is being used on the waters 372  
in this state when the vessel is not securely affixed to a dock or 373  
to shore or to any permanent structure to which the vessel has the 374  
right to affix or that a vessel is not anchored in a designated 375  
anchorage area or boat camping area that is established by the 376  
United States coast guard, this state, or a political subdivision 377  
and in which the vessel has the right to anchor. 378

(4) "Controlled substance" and "marihuana" have the same 379  
meanings as in section 3719.01 of the Revised Code. 380

(5) "Cocaine" and "L.S.D." have the same meanings as in 381  
section 2925.01 of the Revised Code. 382

(6) "Equivalent offense that is watercraft-related" means an 383  
equivalent offense that is one of the following: 384

(a) A violation of division (A) or (B) of this section; 385

(b) A violation of a municipal ordinance prohibiting a person 386  
from operating or being in physical control of any vessel underway 387  
or from manipulating any water skis, aquaplane, or similar device 388

on the waters of this state while under the influence of alcohol, 389  
a drug of abuse, or a combination of them or prohibiting a person 390  
from operating or being in physical control of any vessel underway 391  
or from manipulating any water skis, aquaplane, or similar device 392  
on the waters of this state with a prohibited concentration of 393  
alcohol, a controlled substance, or a metabolite of a controlled 394  
substance in the whole blood, blood serum or plasma, breath, or 395  
urine; 396

(c) A violation of an existing or former municipal ordinance, 397  
law of another state, or law of the United States that is 398  
substantially equivalent to division (A) or (B) of this section; 399

(d) A violation of a former law of this state that was 400  
substantially equivalent to division (A) or (B) of this section. 401

**Sec. 1547.111.** (A)(1)(a) Any person who operates or is in 402  
physical control of a vessel or manipulates any water skis, 403  
aquaplane, or similar device upon any waters in this state shall 404  
be deemed to have given consent to a chemical test or tests to 405  
determine the alcohol, drug of abuse, controlled substance, 406  
metabolite of a controlled substance, or combination content of 407  
the person's whole blood, blood serum or plasma, breath, or urine 408  
if arrested for operating or being in physical control of a vessel 409  
or manipulating any water skis, aquaplane, or similar device in 410  
violation of section 1547.11 of the Revised Code or a 411  
substantially equivalent municipal ordinance. 412

~~(2)~~(b) The test or tests under division (A)(1) of this 413  
section shall be administered at the ~~direction~~ request of a law 414  
enforcement officer having reasonable grounds to believe the 415  
person was operating or in physical control of a vessel or 416  
manipulating any water skis, aquaplane, or similar device in 417  
violation of section 1547.11 of the Revised Code or a 418  
substantially equivalent municipal ordinance. The law enforcement 419

agency by which the officer is employed shall designate which test 420  
or tests shall be administered. 421

~~(B)(2)~~ Any person who is dead or unconscious or who otherwise 422  
is in a condition rendering the person incapable of refusal shall 423  
be deemed to have consented as provided in division (A)(1) of this 424  
section, and the test or tests may be administered, subject to 425  
sections 313.12 to 313.16 of the Revised Code. 426

(B)(1) If a law enforcement officer arrests a person for 427  
operating or being in physical control of a vessel or manipulating 428  
any water skis, aquaplane, or similar device in violation of 429  
section 1547.11 of the Revised Code or a substantially equivalent 430  
municipal ordinance and if the person previously has been 431  
convicted of or pleaded guilty to two or more violations of 432  
section 1547.11 of the Revised Code or other equivalent offenses, 433  
the law enforcement officer shall request the person to submit, 434  
and the person shall submit, to a chemical test or tests of the 435  
person's whole blood, blood serum or plasma, breath, or urine for 436  
the purpose of determining the alcohol, drug of abuse, controlled 437  
substance, metabolite of a controlled substance, or combination 438  
content of the person's whole blood, blood serum or plasma, 439  
breath, or urine. A law enforcement officer who makes a request 440  
pursuant to this division that a person submit to a chemical test 441  
or tests shall advise the person at the time of the arrest that if 442  
the person refuses to take a chemical test the officer may employ 443  
whatever reasonable means are necessary to ensure that the person 444  
submits to a chemical test of the person's whole blood or blood 445  
serum or plasma. The officer shall also advise the person at the 446  
time of the arrest that the person may have an independent 447  
chemical test taken at the person's own expense. The advice shall 448  
be in written form prescribed by the chief of the division of 449  
watercraft and shall be read to the person. The form shall contain 450  
a statement that the form was shown to the person under arrest and 451

read to the person by the arresting officer. The reading of the 452  
form shall be witnessed by one or more persons, and the witnesses 453  
shall certify to this fact by signing the form. Divisions 454  
(A)(1)(b) and (A)(2) of this section apply to the administration 455  
of a chemical test or tests pursuant to this division. 456

(2) If a person refuses to submit to a chemical test upon a 457  
request made pursuant to division (B)(1) of this section, the law 458  
enforcement officer who made the request may employ whatever 459  
reasonable means are necessary to ensure that the person submits 460  
to a chemical test of the person's whole blood or blood serum or 461  
plasma. A law enforcement officer who acts pursuant to this 462  
division to ensure that a person submits to a chemical test of the 463  
person's whole blood or blood serum or plasma is immune from 464  
criminal and civil liability based upon a claim for assault and 465  
battery or any other claim for the acts, unless the officer so 466  
acted with malicious purpose, in bad faith, or in a wanton or 467  
reckless manner. 468

(C) Any person under arrest for violating section 1547.11 of 469  
the Revised Code or a substantially equivalent municipal ordinance 470  
shall be advised of the consequences of refusing to submit to a 471  
chemical test or tests designated as provided in division (A) of 472  
this section. The advice shall be in a written form prescribed by 473  
the chief of the division of watercraft and shall be read to the 474  
person. The form shall contain a statement that the form was shown 475  
to the person under arrest and read to the person by the arresting 476  
officer. The reading of the form shall be witnessed by one or more 477  
persons, and the witnesses shall certify to this fact by signing 478  
the form. The person must submit to the chemical test or tests, 479  
subsequent to the request of the arresting officer, within two 480  
hours of the time of the alleged violation, and if the person does 481  
not submit to the test or tests within that two-hour time limit, 482  
the failure to submit automatically constitutes a refusal to 483

submit to the test or tests. 484

485

(D) If a law enforcement officer asks a person under arrest 486  
for violating section 1547.11 of the Revised Code or a 487  
substantially equivalent municipal ordinance to submit to a 488  
chemical test or tests as provided in division (A) of this 489  
section, if the arresting officer advises the person of the 490  
consequences of the person's refusal as provided in division (C) 491  
of this section, and if the person refuses to submit, no chemical 492  
test shall be given. Upon receipt of a sworn statement of the 493  
officer that the arresting law enforcement officer had reasonable 494  
grounds to believe the arrested person violated section 1547.11 of 495  
the Revised Code or a substantially equivalent municipal ordinance 496  
and that the person refused to submit to the chemical test upon 497  
the request of the officer, and upon receipt of the form as 498  
provided in division (C) of this section certifying that the 499  
arrested person was advised of the consequences of the refusal, 500  
the chief of the division of watercraft shall inform the person by 501  
written notice that the person is prohibited from operating or 502  
being in physical control of a vessel, from manipulating any water 503  
skis, aquaplane, or similar device, and from registering any 504  
watercraft in accordance with section 1547.54 of the Revised Code, 505  
for one year following the date of the alleged violation. The 506  
suspension of these operation, physical control, manipulation, and 507  
registration privileges shall continue for the entire one-year 508  
period, subject to review as provided in this section. 509

510

If the person under arrest is the owner of the vessel 511  
involved in the alleged violation, the law enforcement officer who 512  
arrested the person shall seize the watercraft registration 513  
certificate and tags from the vessel involved in the violation and 514  
forward them to the chief. The chief shall retain the impounded 515

registration certificate and tags and shall impound all other 516  
registration certificates and tags issued to the person in 517  
accordance with sections 1547.54 and 1547.57 of the Revised Code, 518  
for a period of one year following the date of the alleged 519  
violation, subject to review as provided in this section. 520

If the arrested person fails to surrender the registration 521  
certificate because it is not on the person of the arrested person 522  
or in the watercraft, the law enforcement officer who made the 523  
arrest shall order the person to surrender it within twenty-four 524  
hours to the law enforcement officer or the law enforcement agency 525  
that employs the law enforcement officer. If the person fails to 526  
do so, the law enforcement officer shall notify the chief of that 527  
fact in the statement the officer submits to the chief under this 528  
division. 529

(E) Upon suspending a person's operation, physical control, 530  
manipulation, and registration privileges in accordance with 531  
division (D) of this section, the chief shall notify the person in 532  
writing, at the person's last known address, and inform the person 533  
that the person may petition for a hearing in accordance with 534  
division (F) of this section. If a person whose operation, 535  
physical control, manipulation, and registration privileges have 536  
been suspended petitions for a hearing or appeals any adverse 537  
decision, the suspension shall begin at the termination of any 538  
hearing or appeal unless the hearing or appeal results in a 539  
decision favorable to the person. 540

(F) Any person who has been notified by the chief that the 541  
person is prohibited from operating or being in physical control 542  
of a vessel or manipulating any water skis, aquaplane, or similar 543  
device and from registering any watercraft in accordance with 544  
section 1547.54 of the Revised Code, or who has had the 545  
registration certificate and tags of the person's watercraft 546  
impounded pursuant to division (D) of this section, within twenty 547

days of the notification or impoundment, may file a petition in 548  
the municipal court or the county court, or if the person is a 549  
minor in juvenile court, with jurisdiction over the place at which 550  
the arrest occurred, agreeing to pay the cost of the proceedings 551  
and alleging error in the action taken by the chief under division 552  
(D) of this section or alleging one or more of the matters within 553  
the scope of the hearing as provided in this section, or both. The 554  
petitioner shall notify the chief of the filing of the petition 555  
and send the chief a copy of the petition. 556

The scope of the hearing is limited to the issues of whether 557  
the law enforcement officer had reasonable grounds to believe the 558  
petitioner was operating or in physical control of a vessel or 559  
manipulating any water skis, aquaplane, or similar device in 560  
violation of section 1547.11 of the Revised Code or a 561  
substantially equivalent municipal ordinance, whether the 562  
petitioner was placed under arrest, whether the petitioner refused 563  
to submit to the chemical test upon request of the officer, and 564  
whether the petitioner was advised of the consequences of the 565  
petitioner's refusal. 566

(G)(1) The chief shall furnish the court a copy of the 567  
affidavit as provided in division (C) of this section and any 568  
other relevant information requested by the court. 569

(2) In hearing the matter and in determining whether the 570  
person has shown error in the decision taken by the chief as 571  
provided in division (D) of this section, the court shall decide 572  
the issue upon the relevant, competent, and material evidence 573  
submitted by the chief or the person whose operation, physical 574  
control, manipulation, and registration privileges have been 575  
suspended. 576

In the proceedings, the chief shall be represented by the 577  
prosecuting attorney of the county in which the petition is filed 578  
if the petition is filed in a county court or juvenile court, 579

except that if the arrest occurred within a city or village within 580  
the jurisdiction of the county court in which the petition is 581  
filed, the city director of law or village solicitor of that city 582  
or village shall represent the chief. If the petition is filed in 583  
the municipal court, the chief shall be represented as provided in 584  
section 1901.34 of the Revised Code. 585

(3) If the court finds from the evidence submitted that the 586  
person has failed to show error in the action taken by the chief 587  
under division (D) of this section or in one or more of the 588  
matters within the scope of the hearing as provided in division 589  
(F) of this section, or both, the court shall assess the cost of 590  
the proceeding against the person and shall uphold the suspension 591  
of the operation, physical control, use, and registration 592  
privileges provided in division (D) of this section. If the court 593  
finds that the person has shown error in the action taken by the 594  
chief under division (D) of this section or in one or more of the 595  
matters within the scope of the hearing as provided in division 596  
(F) of this section, or both, the cost of the proceedings shall be 597  
paid out of the county treasury of the county in which the 598  
proceedings were held, the chief shall reinstate the operation, 599  
physical control, manipulation, and registration privileges of the 600  
person without charge, and the chief shall return the registration 601  
certificate and tags, if impounded, without charge. 602

(4) The court shall give information in writing of any action 603  
taken under this section to the chief. 604

(H) At the end of any period of suspension or impoundment 605  
imposed under this section, and upon request of the person whose 606  
operation, physical control, use, and registration privileges were 607  
suspended or whose registration certificate and tags were 608  
impounded, the chief shall reinstate the person's operation, 609  
physical control, manipulation, and registration privileges by 610  
written notice and return the certificate and tags. 611

(I) No person who has received written notice from the chief 612  
that the person is prohibited from operating or being in physical 613  
control of a vessel, from manipulating any water skis, aquaplane, 614  
or similar device, and from registering a watercraft, or who has 615  
had the registration certificate and tags of the person's 616  
watercraft impounded, in accordance with division (D) of this 617  
section, shall operate or be in physical control of a vessel or 618  
manipulate any water skis, aquaplane, or similar device for a 619  
period of one year following the date of the person's alleged 620  
violation of section 1547.11 of the Revised Code or the 621  
substantially equivalent municipal ordinance. 622

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 623  
Revised Code is guilty of a felony of the fourth degree. 624

(B) Whoever violates division (F) of section 1547.08, section 625  
1547.10, division (I) of section 1547.111, section 1547.13, or 626  
section 1547.66 of the Revised Code is guilty of a misdemeanor of 627  
the first degree. 628

(C) Whoever violates a provision of this chapter or a rule 629  
adopted thereunder, for which no penalty is otherwise provided, is 630  
guilty of a minor misdemeanor. 631

(D) Whoever violates section 1547.07 or 1547.12 of the 632  
Revised Code without causing injury to persons or damage to 633  
property is guilty of a misdemeanor of the fourth degree. 634

(E) Whoever violates section 1547.07 or 1547.12 of the 635  
Revised Code causing injury to persons or damage to property is 636  
guilty of a misdemeanor of the third degree. 637

(F) Whoever violates division (M) of section 1547.54, 638  
division (G) of section 1547.30, or section 1547.131, 1547.25, 639  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 640  
of the Revised Code or a rule adopted under division (A)(2) of 641

section 1547.52 of the Revised Code is guilty of a misdemeanor of 642  
the fourth degree. 643

(G) Whoever violates section 1547.11 of the Revised Code is 644  
guilty of a misdemeanor of the first degree and shall be punished 645  
as provided in division (G)(1), (2), or (3) of this section. 646

(1) Except as otherwise provided in division (G)(2) or (3) of 647  
this section, the court shall sentence the offender to a jail term 648  
of three consecutive days and may sentence the offender pursuant 649  
to section 2929.24 of the Revised Code to a longer jail term. In 650  
addition, the court shall impose upon the offender a fine of not 651  
less than one hundred fifty nor more than one thousand dollars. 652

The court may suspend the execution of the mandatory jail 653  
term of three consecutive days that it is required to impose by 654  
division (G)(1) of this section if the court, in lieu of the 655  
suspended jail term, places the offender under a community control 656  
sanction pursuant to section 2929.25 of the Revised Code and 657  
requires the offender to attend, for three consecutive days, a 658  
drivers' intervention program that is certified pursuant to 659  
section 3793.10 of the Revised Code. The court also may suspend 660  
the execution of any part of the mandatory jail term of three 661  
consecutive days that it is required to impose by division (G)(1) 662  
of this section if the court places the offender under a community 663  
control sanction pursuant to section 2929.25 of the Revised Code 664  
for part of the three consecutive days; requires the offender to 665  
attend, for that part of the three consecutive days, a drivers' 666  
intervention program that is certified pursuant to section 3793.10 667  
of the Revised Code; and sentences the offender to a jail term 668  
equal to the remainder of the three consecutive days that the 669  
offender does not spend attending the drivers' intervention 670  
program. The court may require the offender, as a condition of 671  
community control, to attend and satisfactorily complete any 672  
treatment or education programs, in addition to the required 673

attendance at a drivers' intervention program, that the operators 674  
of the drivers' intervention program determine that the offender 675  
should attend and to report periodically to the court on the 676  
offender's progress in the programs. The court also may impose any 677  
other conditions of community control on the offender that it 678  
considers necessary. 679

(2) If, within six years of the offense, the offender has 680  
been convicted of or pleaded guilty to one violation of section 681  
1547.11 of the Revised Code, ~~of a municipal ordinance relating to~~ 682  
~~operating a watercraft or manipulating any water skis, aquaplane,~~ 683  
~~or similar device while under the influence of alcohol, a drug of~~ 684  
~~abuse, or a combination of them, of a municipal ordinance relating~~ 685  
~~to operating a watercraft or manipulating any water skis,~~ 686  
~~aquaplane, or similar device with a prohibited concentration of~~ 687  
~~alcohol, a controlled substance, or a metabolite of a controlled~~ 688  
~~substance in the whole blood, blood serum or plasma, breath, or~~ 689  
~~urine, of division (A)(1) of section 2903.06 of the Revised Code,~~ 690  
~~or of division (A)(2), (3), or (4) of section 2903.06 of the~~ 691  
~~Revised Code or section 2903.06 or 2903.07 of the Revised Code as~~ 692  
~~they existed prior to March 23, 2000, in a case in which the jury~~ 693  
~~or judge found that the offender was under the influence of~~ 694  
~~alcohol, a drug of abuse, or a combination of them or one other~~ 695  
equivalent offense, the court shall sentence the offender to a 696  
jail term of ten consecutive days and may sentence the offender 697  
pursuant to section 2929.24 of the Revised Code to a longer jail 698  
term. In addition, the court shall impose upon the offender a fine 699  
of not less than one hundred fifty nor more than one thousand 700  
dollars. 701

In addition to any other sentence that it imposes upon the 702  
offender, the court may require the offender to attend a drivers' 703  
intervention program that is certified pursuant to section 3793.10 704  
of the Revised Code. 705

(3) If, within six years of the offense, the offender has  
been convicted of or pleaded guilty to more than one violation or  
offense identified in division (G)(2) of this section, the court  
shall sentence the offender to a jail term of thirty consecutive  
days and may sentence the offender to a longer jail term of not  
more than one year. In addition, the court shall impose upon the  
offender a fine of not less than one hundred fifty nor more than  
one thousand dollars.

In addition to any other sentence that it imposes upon the  
offender, the court may require the offender to attend a drivers'  
intervention program that is certified pursuant to section 3793.10  
of the Revised Code.

(4) Upon a showing that serving a jail term would seriously  
affect the ability of an offender sentenced pursuant to division  
(G)(1), (2), or (3) of this section to continue the offender's  
employment, the court may authorize that the offender be granted  
work release after the offender has served the mandatory jail term  
of three, ten, or thirty consecutive days that the court is  
required by division (G)(1), (2), or (3) of this section to  
impose. No court shall authorize work release during the mandatory  
jail term of three, ten, or thirty consecutive days that the court  
is required by division (G)(1), (2), or (3) of this section to  
impose. The duration of the work release shall not exceed the time  
necessary each day for the offender to commute to and from the  
place of employment and the place in which the jail term is served  
and the time actually spent under employment.

(5) Notwithstanding any section of the Revised Code that  
authorizes the suspension of the imposition or execution of a  
sentence or the placement of an offender in any treatment program  
in lieu of being imprisoned or serving a jail term, no court shall  
suspend the mandatory jail term of ten or thirty consecutive days  
required to be imposed by division (G)(2) or (3) of this section

or place an offender who is sentenced pursuant to division (G)(2) 738  
or (3) of this section in any treatment program in lieu of being 739  
imprisoned or serving a jail term until after the offender has 740  
served the mandatory jail term of ten or thirty consecutive days 741  
required to be imposed pursuant to division (G)(2) or (3) of this 742  
section. Notwithstanding any section of the Revised Code that 743  
authorizes the suspension of the imposition or execution of a 744  
sentence or the placement of an offender in any treatment program 745  
in lieu of being imprisoned or serving a jail term, no court, 746  
except as specifically authorized by division (G)(1) of this 747  
section, shall suspend the mandatory jail term of three 748  
consecutive days required to be imposed by division (G)(1) of this 749  
section or place an offender who is sentenced pursuant to division 750  
(G)(1) of this section in any treatment program in lieu of 751  
imprisonment until after the offender has served the mandatory 752  
jail term of three consecutive days required to be imposed 753  
pursuant to division (G)(1) of this section. 754

(6) As used in division (G) of this section, ~~"jail:~~ 755

(a) "Equivalent offense" has the same meaning as in section 756  
4511.181 of the Revised Code. 757

(b) "Jail term" and "mandatory jail term" have the same 758  
meanings as in section 2929.01 of the Revised Code. 759

(H) Whoever violates section 1547.304 of the Revised Code is 760  
guilty of a misdemeanor of the fourth degree and also shall be 761  
assessed any costs incurred by the state or a county, township, 762  
municipal corporation, or other political subdivision in disposing 763  
of an abandoned junk vessel or outboard motor, less any money 764  
accruing to the state, county, township, municipal corporation, or 765  
other political subdivision from that disposal. 766

(I) Whoever violates division (B) or (C) of section 1547.49 767  
of the Revised Code is guilty of a minor misdemeanor. 768

(J) Whoever violates section 1547.31 of the Revised Code is 769  
guilty of a misdemeanor of the fourth degree on a first offense. 770  
On each subsequent offense, the person is guilty of a misdemeanor 771  
of the third degree. 772

(K) Whoever violates section 1547.05 or 1547.051 of the 773  
Revised Code is guilty of a misdemeanor of the fourth degree if 774  
the violation is not related to a collision, injury to a person, 775  
or damage to property and a misdemeanor of the third degree if the 776  
violation is related to a collision, injury to a person, or damage 777  
to property. 778

(L) The sentencing court, in addition to the penalty provided 779  
under this section for a violation of this chapter or a rule 780  
adopted under it that involves a powercraft powered by more than 781  
ten horsepower and that, in the opinion of the court, involves a 782  
threat to the safety of persons or property, shall order the 783  
offender to complete successfully a boating course approved by the 784  
national association of state boating law administrators before 785  
the offender is allowed to operate a powercraft powered by more 786  
than ten horsepower on the waters in this state. Violation of a 787  
court order entered under this division is punishable as contempt 788  
under Chapter 2705. of the Revised Code. 789

**Sec. 2929.18.** (A) Except as otherwise provided in this 790  
division and in addition to imposing court costs pursuant to 791  
section 2947.23 of the Revised Code, the court imposing a sentence 792  
upon an offender for a felony may sentence the offender to any 793  
financial sanction or combination of financial sanctions 794  
authorized under this section or, in the circumstances specified 795  
in section 2929.32 of the Revised Code, may impose upon the 796  
offender a fine in accordance with that section. Financial 797  
sanctions that may be imposed pursuant to this section include, 798  
but are not limited to, the following: 799

(1) Restitution by the offender to the victim of the 800  
offender's crime or any survivor of the victim, in an amount based 801  
on the victim's economic loss. If the court imposes restitution, 802  
the court shall order that the restitution be made to the victim 803  
in open court, to the adult probation department that serves the 804  
county on behalf of the victim, to the clerk of courts, or to 805  
another agency designated by the court. If the court imposes 806  
restitution, at sentencing, the court shall determine the amount 807  
of restitution to be made by the offender. If the court imposes 808  
restitution, the court may base the amount of restitution it 809  
orders on an amount recommended by the victim, the offender, a 810  
presentence investigation report, estimates or receipts indicating 811  
the cost of repairing or replacing property, and other 812  
information, provided that the amount the court orders as 813  
restitution shall not exceed the amount of the economic loss 814  
suffered by the victim as a direct and proximate result of the 815  
commission of the offense. If the court decides to impose 816  
restitution, the court shall hold a hearing on restitution if the 817  
offender, victim, or survivor disputes the amount. All restitution 818  
payments shall be credited against any recovery of economic loss 819  
in a civil action brought by the victim or any survivor of the 820  
victim against the offender. 821

If the court imposes restitution, the court may order that 822  
the offender pay a surcharge of not more than five per cent of the 823  
amount of the restitution otherwise ordered to the entity 824  
responsible for collecting and processing restitution payments. 825

The victim or survivor may request that the prosecutor in the 826  
case file a motion, or the offender may file a motion, for 827  
modification of the payment terms of any restitution ordered. If 828  
the court grants the motion, it may modify the payment terms as it 829  
determines appropriate. 830

(2) Except as provided in division (B)(1), (3), or (4) of 831

this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five thousand dollars;

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.

(4) A state fine or costs as defined in section 2949.111 of the Revised Code.

(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:

(i) All or part of the costs of implementing any community

control sanction, including a supervision fee under section 862  
2951.021 of the Revised Code; 863

(ii) All or part of the costs of confinement under a sanction 864  
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 865  
Revised Code, provided that the amount of reimbursement ordered 866  
under this division shall not exceed the total amount of 867  
reimbursement the offender is able to pay as determined at a 868  
hearing and shall not exceed the actual cost of the confinement; 869

(iii) All or part of the cost of purchasing and using an 870  
immobilizing or disabling device, including a certified ignition 871  
interlock device, or a remote alcohol monitoring device that a 872  
court orders an offender to use under section 4510.13 of the 873  
Revised Code. 874

(b) If the offender is sentenced to a sanction of confinement 875  
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 876  
to be served in a facility operated by a board of county 877  
commissioners, a legislative authority of a municipal corporation, 878  
or another local governmental entity, if, pursuant to section 879  
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 880  
or 2947.19 of the Revised Code and section 2929.37 of the Revised 881  
Code, the board, legislative authority, or other local 882  
governmental entity requires prisoners to reimburse the county, 883  
municipal corporation, or other entity for its expenses incurred 884  
by reason of the prisoner's confinement, and if the court does not 885  
impose a financial sanction under division (A)(5)(a)(ii) of this 886  
section, confinement costs may be assessed pursuant to section 887  
2929.37 of the Revised Code. In addition, the offender may be 888  
required to pay the fees specified in section 2929.38 of the 889  
Revised Code in accordance with that section. 890

(c) Reimbursement by the offender for costs pursuant to 891  
section 2929.71 of the Revised Code. 892

(B)(1) For a first, second, or third degree felony violation 893  
of any provision of Chapter 2925., 3719., or 4729. of the Revised 894  
Code, the sentencing court shall impose upon the offender a 895  
mandatory fine of at least one-half of, but not more than, the 896  
maximum statutory fine amount authorized for the level of the 897  
offense pursuant to division (A)(3) of this section. If an 898  
offender alleges in an affidavit filed with the court prior to 899  
sentencing that the offender is indigent and unable to pay the 900  
mandatory fine and if the court determines the offender is an 901  
indigent person and is unable to pay the mandatory fine described 902  
in this division, the court shall not impose the mandatory fine 903  
upon the offender. 904

(2) Any mandatory fine imposed upon an offender under 905  
division (B)(1) of this section and any fine imposed upon an 906  
offender under division (A)(2) or (3) of this section for any 907  
fourth or fifth degree felony violation of any provision of 908  
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 909  
to law enforcement agencies pursuant to division (F) of section 910  
2925.03 of the Revised Code. 911

(3) For a fourth degree felony OVI offense and for a third 912  
degree felony OVI offense, the sentencing court shall impose upon 913  
the offender a mandatory fine in the amount specified in division 914  
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 915  
is applicable. The mandatory fine so imposed shall be disbursed as 916  
provided in the division pursuant to which it is imposed. 917

(4) Notwithstanding any fine otherwise authorized or required 918  
to be imposed under division (A)(2) or (3) or (B)(1) of this 919  
section or section 2929.31 of the Revised Code for a violation of 920  
section 2925.03 of the Revised Code, in addition to any penalty or 921  
sanction imposed for that offense under section 2925.03 or 922  
sections 2929.11 to 2929.18 of the Revised Code and in addition to 923  
the forfeiture of property in connection with the offense as 924

prescribed in Chapter 2981. of the Revised Code, the court that 925  
sentences an offender for a violation of section 2925.03 of the 926  
Revised Code may impose upon the offender a fine in addition to 927  
any fine imposed under division (A)(2) or (3) of this section and 928  
in addition to any mandatory fine imposed under division (B)(1) of 929  
this section. The fine imposed under division (B)(4) of this 930  
section shall be used as provided in division (H) of section 931  
2925.03 of the Revised Code. A fine imposed under division (B)(4) 932  
of this section shall not exceed whichever of the following is 933  
applicable: 934

(a) The total value of any personal or real property in which 935  
the offender has an interest and that was used in the course of, 936  
intended for use in the course of, derived from, or realized 937  
through conduct in violation of section 2925.03 of the Revised 938  
Code, including any property that constitutes proceeds derived 939  
from that offense; 940

(b) If the offender has no interest in any property of the 941  
type described in division (B)(4)(a) of this section or if it is 942  
not possible to ascertain whether the offender has an interest in 943  
any property of that type in which the offender may have an 944  
interest, the amount of the mandatory fine for the offense imposed 945  
under division (B)(1) of this section or, if no mandatory fine is 946  
imposed under division (B)(1) of this section, the amount of the 947  
fine authorized for the level of the offense imposed under 948  
division (A)(3) of this section. 949

(5) Prior to imposing a fine under division (B)(4) of this 950  
section, the court shall determine whether the offender has an 951  
interest in any property of the type described in division 952  
(B)(4)(a) of this section. Except as provided in division (B)(6) 953  
or (7) of this section, a fine that is authorized and imposed 954  
under division (B)(4) of this section does not limit or affect the 955  
imposition of the penalties and sanctions for a violation of 956

section 2925.03 of the Revised Code prescribed under those 957  
sections or sections 2929.11 to 2929.18 of the Revised Code and 958  
does not limit or affect a forfeiture of property in connection 959  
with the offense as prescribed in Chapter 2981. of the Revised 960  
Code. 961

(6) If the sum total of a mandatory fine amount imposed for a 962  
first, second, or third degree felony violation of section 2925.03 963  
of the Revised Code under division (B)(1) of this section plus the 964  
amount of any fine imposed under division (B)(4) of this section 965  
does not exceed the maximum statutory fine amount authorized for 966  
the level of the offense under division (A)(3) of this section or 967  
section 2929.31 of the Revised Code, the court may impose a fine 968  
for the offense in addition to the mandatory fine and the fine 969  
imposed under division (B)(4) of this section. The sum total of 970  
the amounts of the mandatory fine, the fine imposed under division 971  
(B)(4) of this section, and the additional fine imposed under 972  
division (B)(6) of this section shall not exceed the maximum 973  
statutory fine amount authorized for the level of the offense 974  
under division (A)(3) of this section or section 2929.31 of the 975  
Revised Code. The clerk of the court shall pay any fine that is 976  
imposed under division (B)(6) of this section to the county, 977  
township, municipal corporation, park district as created pursuant 978  
to section 511.18 or 1545.04 of the Revised Code, or state law 979  
enforcement agencies in this state that primarily were responsible 980  
for or involved in making the arrest of, and in prosecuting, the 981  
offender pursuant to division (F) of section 2925.03 of the 982  
Revised Code. 983

(7) If the sum total of the amount of a mandatory fine 984  
imposed for a first, second, or third degree felony violation of 985  
section 2925.03 of the Revised Code plus the amount of any fine 986  
imposed under division (B)(4) of this section exceeds the maximum 987  
statutory fine amount authorized for the level of the offense 988

under division (A)(3) of this section or section 2929.31 of the Revised Code, the court shall not impose a fine under division (B)(6) of this section.

(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by the department of rehabilitation and correction in operating a prison or other facility used to confine offenders pursuant to sanctions imposed under section 2929.14, 2929.142, or 2929.16 of the Revised Code to the treasurer of state. The treasurer of state shall deposit the reimbursements in the confinement cost reimbursement fund that is hereby created in the state treasury. The department of rehabilitation and correction shall use the amounts deposited in the fund to fund the operation of facilities used to confine offenders pursuant to sections 2929.14, 2929.142, and 2929.16 of the Revised Code.

(2) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the offender pursuant to division (A)(5)(a) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the sanction cost reimbursement fund that each board of county commissioners shall create in its county treasury. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.16 or 2929.17 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.16 of the Revised Code.

(3) Except as provided in section 2951.021 of the Revised Code, the offender shall pay reimbursements imposed upon the

offender pursuant to division (A)(5)(a) of this section to pay the 1021  
costs incurred by a municipal corporation pursuant to any sanction 1022  
imposed under this section or section 2929.16 or 2929.17 of the 1023  
Revised Code or in operating a facility used to confine offenders 1024  
pursuant to a sanction imposed under section 2929.16 of the 1025  
Revised Code to the treasurer of the municipal corporation. The 1026  
treasurer shall deposit the reimbursements in a special fund that 1027  
shall be established in the treasury of each municipal 1028  
corporation. The municipal corporation shall use the amounts 1029  
deposited in the fund to pay the costs incurred by the municipal 1030  
corporation pursuant to any sanction imposed under this section or 1031  
section 2929.16 or 2929.17 of the Revised Code or in operating a 1032  
facility used to confine offenders pursuant to a sanction imposed 1033  
under section 2929.16 of the Revised Code. 1034

(4) Except as provided in section 2951.021 of the Revised 1035  
Code, the offender shall pay reimbursements imposed pursuant to 1036  
division (A)(5)(a) of this section for the costs incurred by a 1037  
private provider pursuant to a sanction imposed under this section 1038  
or section 2929.16 or 2929.17 of the Revised Code to the provider. 1039

(D) Except as otherwise provided in this division, a 1040  
financial sanction imposed pursuant to division (A) or (B) of this 1041  
section is a judgment in favor of the state or a political 1042  
subdivision in which the court that imposed the financial sanction 1043  
is located, and the offender subject to the financial sanction is 1044  
the judgment debtor. A financial sanction of reimbursement imposed 1045  
pursuant to division (A)(5)(a)(ii) of this section upon an 1046  
offender who is incarcerated in a state facility or a municipal 1047  
jail is a judgment in favor of the state or the municipal 1048  
corporation, and the offender subject to the financial sanction is 1049  
the judgment debtor. A financial sanction of reimbursement imposed 1050  
upon an offender pursuant to this section for costs incurred by a 1051  
private provider of sanctions is a judgment in favor of the 1052

private provider, and the offender subject to the financial 1053  
sanction is the judgment debtor. A financial sanction of 1054  
restitution imposed pursuant to this section is an order in favor 1055  
of the victim of the offender's criminal act that can be collected 1056  
through execution as described in division (D)(1) of this section 1057  
or through an order as described in division (D)(2) of this 1058  
section, and the offender shall be considered for purposes of the 1059  
collection as the judgment debtor. Imposition of a financial 1060  
sanction and execution on the judgment does not preclude any other 1061  
power of the court to impose or enforce sanctions on the offender. 1062  
Once the financial sanction is imposed as a judgment or order 1063  
under this division, the victim, private provider, state, or 1064  
political subdivision may bring an action to do any of the 1065  
following: 1066

(1) Obtain execution of the judgment or order through any 1067  
available procedure, including: 1068

(a) An execution against the property of the judgment debtor 1069  
under Chapter 2329. of the Revised Code; 1070

(b) An execution against the person of the judgment debtor 1071  
under Chapter 2331. of the Revised Code; 1072

(c) A proceeding in aid of execution under Chapter 2333. of 1073  
the Revised Code, including: 1074

(i) A proceeding for the examination of the judgment debtor 1075  
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 1076  
of the Revised Code; 1077

(ii) A proceeding for attachment of the person of the 1078  
judgment debtor under section 2333.28 of the Revised Code; 1079

(iii) A creditor's suit under section 2333.01 of the Revised 1080  
Code. 1081

(d) The attachment of the property of the judgment debtor 1082

under Chapter 2715. of the Revised Code; 1083

(e) The garnishment of the property of the judgment debtor 1084  
under Chapter 2716. of the Revised Code. 1085

(2) Obtain an order for the assignment of wages of the 1086  
judgment debtor under section 1321.33 of the Revised Code. 1087

(E) A court that imposes a financial sanction upon an 1088  
offender may hold a hearing if necessary to determine whether the 1089  
offender is able to pay the sanction or is likely in the future to 1090  
be able to pay it. 1091

(F) Each court imposing a financial sanction upon an offender 1092  
under this section or under section 2929.32 of the Revised Code 1093  
may designate the clerk of the court or another person to collect 1094  
the financial sanction. The clerk or other person authorized by 1095  
law or the court to collect the financial sanction may enter into 1096  
contracts with one or more public agencies or private vendors for 1097  
the collection of, amounts due under the financial sanction 1098  
imposed pursuant to this section or section 2929.32 of the Revised 1099  
Code. Before entering into a contract for the collection of 1100  
amounts due from an offender pursuant to any financial sanction 1101  
imposed pursuant to this section or section 2929.32 of the Revised 1102  
Code, a court shall comply with sections 307.86 to 307.92 of the 1103  
Revised Code. 1104

(G) If a court that imposes a financial sanction under 1105  
division (A) or (B) of this section finds that an offender 1106  
satisfactorily has completed all other sanctions imposed upon the 1107  
offender and that all restitution that has been ordered has been 1108  
paid as ordered, the court may suspend any financial sanctions 1109  
imposed pursuant to this section or section 2929.32 of the Revised 1110  
Code that have not been paid. 1111

(H) No financial sanction imposed under this section or 1112  
section 2929.32 of the Revised Code shall preclude a victim from 1113

bringing a civil action against the offender. 1114

**Sec. 2929.28.** (A) In addition to imposing court costs 1115  
pursuant to section 2947.23 of the Revised Code, the court 1116  
imposing a sentence upon an offender for a misdemeanor, including 1117  
a minor misdemeanor, may sentence the offender to any financial 1118  
sanction or combination of financial sanctions authorized under 1119  
this section. If the court in its discretion imposes one or more 1120  
financial sanctions, the financial sanctions that may be imposed 1121  
pursuant to this section include, but are not limited to, the 1122  
following: 1123

(1) Unless the misdemeanor offense is a minor misdemeanor or 1124  
could be disposed of by the traffic violations bureau serving the 1125  
court under Traffic Rule 13, restitution by the offender to the 1126  
victim of the offender's crime or any survivor of the victim, in 1127  
an amount based on the victim's economic loss. The court may not 1128  
impose restitution as a sanction pursuant to this division if the 1129  
offense is a minor misdemeanor or could be disposed of by the 1130  
traffic violations bureau serving the court under Traffic Rule 13. 1131  
If the court requires restitution, the court shall order that the 1132  
restitution be made to the victim in open court or to the adult 1133  
probation department that serves the jurisdiction or the clerk of 1134  
the court on behalf of the victim. 1135

If the court imposes restitution, the court shall determine 1136  
the amount of restitution to be paid by the offender. If the court 1137  
imposes restitution, the court may base the amount of restitution 1138  
it orders on an amount recommended by the victim, the offender, a 1139  
presentence investigation report, estimates or receipts indicating 1140  
the cost of repairing or replacing property, and other 1141  
information, provided that the amount the court orders as 1142  
restitution shall not exceed the amount of the economic loss 1143  
suffered by the victim as a direct and proximate result of the 1144

commission of the offense. If the court decides to impose 1145  
restitution, the court shall hold an evidentiary hearing on 1146  
restitution if the offender, victim, or survivor disputes the 1147  
amount of restitution. If the court holds an evidentiary hearing, 1148  
at the hearing the victim or survivor has the burden to prove by a 1149  
preponderance of the evidence the amount of restitution sought 1150  
from the offender. 1151

All restitution payments shall be credited against any 1152  
recovery of economic loss in a civil action brought by the victim 1153  
or any survivor of the victim against the offender. 1154

If the court imposes restitution, the court may order that 1155  
the offender pay a surcharge, of not more than five per cent of 1156  
the amount of the restitution otherwise ordered, to the entity 1157  
responsible for collecting and processing restitution payments. 1158

The victim or survivor may request that the prosecutor in the 1159  
case file a motion, or the offender may file a motion, for 1160  
modification of the payment terms of any restitution ordered. If 1161  
the court grants the motion, it may modify the payment terms as it 1162  
determines appropriate. 1163

(2) A fine of the type described in divisions (A)(2)(a) and 1164  
(b) of this section payable to the appropriate entity as required 1165  
by law: 1166

(a) A fine in the following amount: 1167

(i) For a misdemeanor of the first degree, not more than one 1168  
thousand dollars; 1169

(ii) For a misdemeanor of the second degree, not more than 1170  
seven hundred fifty dollars; 1171

(iii) For a misdemeanor of the third degree, not more than 1172  
five hundred dollars; 1173

(iv) For a misdemeanor of the fourth degree, not more than 1174

two hundred fifty dollars; 1175

(v) For a minor misdemeanor, not more than one hundred fifty 1176  
dollars. 1177

(b) A state fine or cost as defined in section 2949.111 of 1178  
the Revised Code. 1179

(3)(a) Reimbursement by the offender of any or all of the 1180  
costs of sanctions incurred by the government, including, but not 1181  
limited to, the following: 1182

(i) All or part of the costs of implementing any community 1183  
control sanction, including a supervision fee under section 1184  
2951.021 of the Revised Code; 1185

(ii) All or part of the costs of confinement in a jail or 1186  
other residential facility, including, but not limited to, a per 1187  
diem fee for room and board, the costs of medical and dental 1188  
treatment, and the costs of repairing property damaged by the 1189  
offender while confined; 1190

(iii) All or part of the cost of purchasing and using an 1191  
immobilizing or disabling device, including a certified ignition 1192  
interlock device, or a remote alcohol monitoring device that a 1193  
court orders an offender to use under section 4510.13 of the 1194  
Revised Code. 1195

(b) The amount of reimbursement ordered under division 1196  
(A)(3)(a) of this section shall not exceed the total amount of 1197  
reimbursement the offender is able to pay and shall not exceed the 1198  
actual cost of the sanctions. The court may collect any amount of 1199  
reimbursement the offender is required to pay under that division. 1200  
If the court does not order reimbursement under that division, 1201  
confinement costs may be assessed pursuant to a repayment policy 1202  
adopted under section 2929.37 of the Revised Code. In addition, 1203  
the offender may be required to pay the fees specified in section 1204  
2929.38 of the Revised Code in accordance with that section. 1205

(B) If the court determines a hearing is necessary, the court may hold a hearing to determine whether the offender is able to pay the financial sanction imposed pursuant to this section or court costs or is likely in the future to be able to pay the sanction or costs.

If the court determines that the offender is indigent and unable to pay the financial sanction or court costs, the court shall consider imposing and may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of imposing a financial sanction or court costs. If the court does not determine that the offender is indigent, the court may impose a term of community service under division (A) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. The court may order community service for a minor misdemeanor pursuant to division (C) of section 2929.27 of the Revised Code in lieu of or in addition to imposing a financial sanction under this section and in addition to imposing court costs. If a person fails to pay a financial sanction or court costs, the court may order community service in lieu of the financial sanction or court costs.

(C)(1) The offender shall pay reimbursements imposed upon the offender pursuant to division (A)(3) of this section to pay the costs incurred by a county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a facility used to confine offenders pursuant to a sanction imposed under section 2929.26 of the Revised Code to the county treasurer. The county treasurer shall deposit the reimbursements in the county's general fund. The county shall use the amounts deposited in the fund to pay the costs incurred by the county pursuant to any sanction imposed under this section or section 2929.26 or 2929.27 of the Revised Code or in operating a

facility used to confine offenders pursuant to a sanction imposed 1238  
under section 2929.26 of the Revised Code. 1239

(2) The offender shall pay reimbursements imposed upon the 1240  
offender pursuant to division (A)(3) of this section to pay the 1241  
costs incurred by a municipal corporation pursuant to any sanction 1242  
imposed under this section or section 2929.26 or 2929.27 of the 1243  
Revised Code or in operating a facility used to confine offenders 1244  
pursuant to a sanction imposed under section 2929.26 of the 1245  
Revised Code to the treasurer of the municipal corporation. The 1246  
treasurer shall deposit the reimbursements in the municipal 1247  
corporation's general fund. The municipal corporation shall use 1248  
the amounts deposited in the fund to pay the costs incurred by the 1249  
municipal corporation pursuant to any sanction imposed under this 1250  
section or section 2929.26 or 2929.27 of the Revised Code or in 1251  
operating a facility used to confine offenders pursuant to a 1252  
sanction imposed under section 2929.26 of the Revised Code. 1253

(3) The offender shall pay reimbursements imposed pursuant to 1254  
division (A)(3) of this section for the costs incurred by a 1255  
private provider pursuant to a sanction imposed under this section 1256  
or section 2929.26 or 2929.27 of the Revised Code to the provider. 1257

(D) Except as otherwise provided in this division, a 1258  
financial sanction imposed under division (A) of this section is a 1259  
judgment in favor of the state or the political subdivision that 1260  
operates the court that imposed the financial sanction, and the 1261  
offender subject to the financial sanction is the judgment debtor. 1262  
A financial sanction of reimbursement imposed pursuant to division 1263  
(A)(3)(a)(i) of this section upon an offender is a judgment in 1264  
favor of the entity administering the community control sanction, 1265  
and the offender subject to the financial sanction is the judgment 1266  
debtor. A financial sanction of reimbursement imposed pursuant to 1267  
division (A)(3)(a)(ii) of this section upon an offender confined 1268  
in a jail or other residential facility is a judgment in favor of 1269

the entity operating the jail or other residential facility, and 1270  
the offender subject to the financial sanction is the judgment 1271  
debtor. A financial sanction of restitution imposed pursuant to 1272  
division (A)(1) of this section is an order in favor of the victim 1273  
of the offender's criminal act that can be collected through 1274  
execution as described in division (D)(1) of this section or 1275  
through an order as described in division (D)(2) of this section 1276  
and the offender shall be considered for purposes of the 1277  
collection as the judgment debtor. 1278

Once the financial sanction is imposed as a judgment or order 1279  
under this division, the victim, private provider, state, or 1280  
political subdivision may bring an action to do any of the 1281  
following: 1282

(1) Obtain execution of the judgment or order through any 1283  
available procedure, including any of the procedures identified in 1284  
divisions (D)(1)(a) to (e) of section 2929.18 of the Revised Code. 1285

(2) Obtain an order for the assignment of wages of the 1286  
judgment debtor under section 1321.33 of the Revised Code. 1287

(E) The civil remedies authorized under division (D) of this 1288  
section for the collection of the financial sanction supplement, 1289  
but do not preclude, enforcement of the criminal sentence. 1290

(F) Each court imposing a financial sanction upon an offender 1291  
under this section may designate the clerk of the court or another 1292  
person to collect the financial sanction. The clerk, or another 1293  
person authorized by law or the court to collect the financial 1294  
sanction may do the following: 1295

(1) Enter into contracts with one or more public agencies or 1296  
private vendors for the collection of amounts due under the 1297  
sanction. Before entering into a contract for the collection of 1298  
amounts due from an offender pursuant to any financial sanction 1299  
imposed pursuant to this section, a court shall comply with 1300

sections 307.86 to 307.92 of the Revised Code. 1301

(2) Permit payment of all or any portion of the sanction in 1302  
installments, by financial transaction device if the court is a 1303  
county court or a municipal court operated by a county, by credit 1304  
or debit card or by another electronic transfer if the court is a 1305  
municipal court not operated by a county, or by any other 1306  
reasonable method, in any time, and on any terms that court 1307  
considers just, except that the maximum time permitted for payment 1308  
shall not exceed five years. If the court is a county court or a 1309  
municipal court operated by a county, the acceptance of payments 1310  
by any financial transaction device shall be governed by the 1311  
policy adopted by the board of county commissioners of the county 1312  
pursuant to section 301.28 of the Revised Code. If the court is a 1313  
municipal court not operated by a county, the clerk may pay any 1314  
fee associated with processing an electronic transfer out of 1315  
public money or may charge the fee to the offender. 1316

(3) To defray administrative costs, charge a reasonable fee 1317  
to an offender who elects a payment plan rather than a lump sum 1318  
payment of any financial sanction. 1319

(G) No financial sanction imposed under this section shall 1320  
preclude a victim from bringing a civil action against the 1321  
offender. 1322

**Sec. 2945.75.** (A) When the presence of one or more additional 1323  
elements makes an offense one of more serious degree: 1324

(1) The affidavit, complaint, indictment, or information 1325  
either shall state the degree of the offense which the accused is 1326  
alleged to have committed, or shall allege such additional element 1327  
or elements. Otherwise, such affidavit, complaint, indictment, or 1328  
information is effective to charge only the least degree of the 1329  
offense. 1330

(2) A guilty verdict shall state either the degree of the offense of which the offender is found guilty, or that such additional element or elements are present. Otherwise, a guilty verdict constitutes a finding of guilty of the least degree of the offense charged.

(B)(1) Whenever in any case it is necessary to prove a prior conviction, a certified copy of the entry of judgment in such prior conviction together with evidence sufficient to identify the defendant named in the entry as the offender in the case at bar, is sufficient to prove such prior conviction.

(2) Whenever in any case it is necessary to prove a prior conviction of an offense for which the registrar of motor vehicles maintains a record, a certified copy of the record that shows the name, date of birth, and social security number of the accused is prima-facie evidence of the identity of the accused and prima-facie evidence of all prior convictions shown on the record. The accused may offer evidence to rebut the prima-facie evidence of the accused's identity and the evidence of prior convictions. Proof of a prior conviction of an offense for which the registrar maintains a record may also be proved as provided in division (B)(1) of this section.

(3) If the defendant claims a constitutional defect in any prior conviction, the defendant has the burden of proving the defect by a preponderance of the evidence.

**Sec. 4503.231.** (A) No motor vehicle registered in the name of a person whose certificate of registration and identification license plates have been impounded as provided by division (B)(1) of section 4507.02 of the Revised Code, and no vehicle that may be operated pursuant to an immobilization waiver order issued pursuant to section 4503.235 of the Revised Code, shall be

operated on any highway in this state unless it displays 1362  
restricted license plates that are a different color from those 1363  
regularly issued and carry a special serial number that may be 1364  
readily identified by law enforcement officers. The registrar of 1365  
motor vehicles shall designate the color and serial number to be 1366  
used on restricted license plates, which shall remain the same 1367  
from year to year and shall not be displayed on any other motor 1368  
vehicles. 1369

The bureau of motor vehicles shall adopt rules providing for 1370  
the decentralization of the issuance of restricted license plates 1371  
under this section. The rules shall provide for the issuance of 1372  
the restricted license plates by at least one agency in each 1373  
county. 1374

No person operating a motor vehicle displaying restricted 1375  
license plates as described in this division shall knowingly 1376  
disguise or obscure the color of the restricted plate. 1377

(B) If a person has been granted limited driving privileges 1378  
with a condition of the privileges being that the person must 1379  
display on the vehicle that is driven under the privileges 1380  
restricted license plates that are described in this section, the 1381  
person may operate a motor vehicle that is owned by the person's 1382  
employer only if the person is required to operate that motor 1383  
vehicle in the course and scope of the person's employment. Such a 1384  
person may operate that vehicle without displaying on that vehicle 1385  
restricted license plates that are issued under this section if 1386  
the employer has been notified that the person has limited driving 1387  
privileges and of the nature of the restriction and if the person 1388  
has proof of the employer's notification in the person's 1389  
possession while operating the employer's vehicle for normal 1390  
business duties. A motor vehicle owned by a business that is 1391  
partly or entirely owned or controlled by the person with the 1392  
limited driving privileges is not a motor vehicle owned by an 1393

employer, for purposes of this division. 1394

(C) Whoever violates this section is guilty of a minor 1395  
misdemeanor. 1396

**Sec. 4503.233.** (A)(1) If a court ~~orders~~ is required to order 1397  
the immobilization of a vehicle for a specified period of time 1398  
pursuant to section 4510.11, 4510.14, 4510.16, 4510.161, 4510.41, 1399  
4511.19, 4511.193, or 4511.203 of the Revised Code, the court, 1400  
subject to section 4503.235 of the Revised Code, shall issue the 1401  
immobilization order in accordance with this division and for the 1402  
period of time specified in the particular section, and the 1403  
immobilization under the order shall be in accordance with this 1404  
section. The court, at the time of sentencing the offender for the 1405  
offense relative to which the immobilization order is issued or as 1406  
soon thereafter as is practicable, shall give a copy of the order 1407  
to the offender or the offender's counsel. The court promptly 1408  
shall send a copy of the order to the registrar on a form 1409  
prescribed by the registrar and to the person or agency it 1410  
designates to execute the order. 1411

The order shall indicate the date on which it is issued, 1412  
shall identify the vehicle that is subject to the order, and shall 1413  
specify all of the following: 1414

(a) The period of the immobilization; 1415

(b) The place at which the court determines that the 1416  
immobilization shall be carried out, provided that the court shall 1417  
not determine and shall not specify that the immobilization is to 1418  
be carried out at any place other than a commercially operated 1419  
private storage lot, a place owned by a law enforcement or other 1420  
government agency, or a place to which one of the following 1421  
applies: 1422

(i) The place is leased by or otherwise under the control of 1423

a law enforcement or other government agency. 1424

(ii) The place is owned by the offender, the offender's 1425  
spouse, or a parent or child of the offender. 1426

(iii) The place is owned by a private person or entity, and, 1427  
prior to the issuance of the order, the private entity or person 1428  
that owns the place, or the authorized agent of that private 1429  
entity or person, has given express written consent for the 1430  
immobilization to be carried out at that place. 1431

(iv) The place is a public street or highway on which the 1432  
vehicle is parked in accordance with the law. 1433

(c) The person or agency designated by the court to execute 1434  
the order, which shall be either the law enforcement agency that 1435  
employs the law enforcement officer who seized the vehicle, a 1436  
bailiff of the court, another person the court determines to be 1437  
appropriate to execute the order, or the law enforcement agency 1438  
with jurisdiction over the place of residence of the vehicle 1439  
owner; 1440

(d) That neither the registrar nor a deputy registrar will be 1441  
permitted to accept an application for the license plate 1442  
registration of any motor vehicle in the name of the vehicle owner 1443  
until the immobilization fee is paid. 1444

(2) The person or agency the court designates to immobilize 1445  
the vehicle shall seize or retain that vehicle's license plates 1446  
and forward them to the bureau of motor vehicles. 1447

(3) In all cases, the offender shall be assessed an 1448  
immobilization fee of one hundred dollars, and the immobilization 1449  
fee shall be paid to the registrar before the vehicle may be 1450  
released to the offender. Neither the registrar nor a deputy 1451  
registrar shall accept an application for the registration of any 1452  
motor vehicle in the name of the offender until the immobilization 1453  
fee is paid. 1454

(4) If the vehicle subject to the order is immobilized 1455  
pursuant to the order and is found being operated upon any street 1456  
or highway in this state during the immobilization period, it 1457  
shall be seized, removed from the street or highway, and 1458  
criminally forfeited and disposed of pursuant to section 4503.234 1459  
of the Revised Code. 1460

(5) The registrar shall deposit the immobilization fee into 1461  
the law enforcement reimbursement fund created by section 4501.19 1462  
of the Revised Code. Money in the fund shall be expended only as 1463  
provided in division (A)(5) of this section. If the court 1464  
designated in the order a court bailiff or another appropriate 1465  
person other than a law enforcement officer to immobilize the 1466  
vehicle, the amount of the fee deposited into the law enforcement 1467  
reimbursement fund shall be paid out to the county treasury if the 1468  
court that issued the order is a county court, to the treasury of 1469  
the municipal corporation served by the court if the court that 1470  
issued the order is a mayor's court, or to the city treasury of 1471  
the legislative authority of the court, both as defined in section 1472  
1901.03 of the Revised Code, if the court that issued the order is 1473  
a municipal court. If the court designated a law enforcement 1474  
agency to immobilize the vehicle and if the law enforcement agency 1475  
immobilizes the vehicle, the amount of the fee deposited into the 1476  
law enforcement reimbursement fund shall be paid out to the law 1477  
enforcement agency to reimburse the agency for the costs it incurs 1478  
in obtaining immobilization equipment and, if required, in sending 1479  
an officer or other person to search for and locate the vehicle 1480  
specified in the immobilization order and to immobilize the 1481  
vehicle. 1482

In addition to the immobilization fee required to be paid 1483  
under division (A)(3) of this section, the offender may be charged 1484  
expenses or charges incurred in the removal and storage of the 1485  
immobilized vehicle. 1486

(B) If a court issues an immobilization order under division 1487  
(A)(1) of this section, the person or agency designated by the 1488  
court to execute the immobilization order promptly shall 1489  
immobilize or continue the immobilization of the vehicle at the 1490  
place specified by the court in the order. The registrar shall not 1491  
authorize the release of the vehicle or authorize the issuance of 1492  
new identification license plates for the vehicle at the end of 1493  
the immobilization period until the immobilization fee has been 1494  
paid. 1495

(C) Upon receipt of the license plates for a vehicle under 1496  
this section, the registrar shall destroy the license plates. At 1497  
the end of the immobilization period and upon the payment of the 1498  
immobilization fee that must be paid under this section, the 1499  
registrar shall authorize the release of the vehicle and authorize 1500  
the issuance, upon the payment of the same fee as is required for 1501  
the replacement of lost, mutilated, or destroyed license plates 1502  
and certificates of registration, of new license plates and, if 1503  
necessary, a new certificate of registration to the offender for 1504  
the vehicle in question. 1505

(D)(1) If a court issues an immobilization order under 1506  
division (A) of this section, the immobilization period commences 1507  
on the day on which the vehicle in question is immobilized. If the 1508  
vehicle in question had been seized under section 4510.41 or 1509  
4511.195 of the Revised Code, the time between the seizure and the 1510  
beginning of the immobilization period shall be credited against 1511  
the immobilization period specified in the immobilization order 1512  
issued under division (A) of this section. No vehicle that is 1513  
immobilized under this section is eligible to have restricted 1514  
license plates under section 4503.231 of the Revised Code issued 1515  
for that vehicle. 1516

(2) If a court issues an immobilization order under division 1517  
(A) of this section, if the vehicle subject to the order is 1518

immobilized under the order, and if the vehicle is found being 1519  
operated upon any street or highway of this state during the 1520  
immobilization period, it shall be seized, removed from the street 1521  
or highway, and criminally forfeited, and disposed of pursuant to 1522  
section 4503.234 of the Revised Code. No vehicle that is forfeited 1523  
under this provision shall be considered contraband for purposes 1524  
of Chapter 2981. of the Revised Code, but shall be held by the law 1525  
enforcement agency that employs the officer who seized it for 1526  
disposal in accordance with section 4503.234 of the Revised Code. 1527

(3) If a court issues an immobilization order under division 1528  
(A) of this section, and if the vehicle is not claimed within 1529  
seven days after the end of the period of immobilization or if the 1530  
offender has not paid the immobilization fee, the person or agency 1531  
that immobilized the vehicle shall send a written notice to the 1532  
offender at the offender's last known address informing the 1533  
offender of the date on which the period of immobilization ended, 1534  
that the offender has twenty days after the date of the notice to 1535  
pay the immobilization fee and obtain the release of the vehicle, 1536  
and that if the offender does not pay the fee and obtain the 1537  
release of the vehicle within that twenty-day period, the vehicle 1538  
will be forfeited under section 4503.234 of the Revised Code to 1539  
the entity that is entitled to the immobilization fee. 1540

(4) An offender whose motor vehicle is subject to an 1541  
immobilization order issued under division (A) of this section 1542  
shall not sell the motor vehicle without approval of the court 1543  
that issued the order. If such an offender wishes to sell the 1544  
motor vehicle during the immobilization period, the offender shall 1545  
apply to the court that issued the immobilization order for 1546  
permission to assign the title to the vehicle. If the court is 1547  
satisfied that the sale will be in good faith and not for the 1548  
purpose of circumventing the provisions of division (A)(1) of this 1549  
section, it may certify its consent to the offender and to the 1550

registrar. Upon receipt of the court's consent, the registrar 1551  
shall enter the court's notice in the offender's vehicle license 1552  
plate registration record. 1553

If, during a period of immobilization under an immobilization 1554  
order issued under division (A) of this section, the title to the 1555  
immobilized motor vehicle is transferred by the foreclosure of a 1556  
chattel mortgage, a sale upon execution, the cancellation of a 1557  
conditional sales contract, or an order of a court, the involved 1558  
court shall notify the registrar of the action, and the registrar 1559  
shall enter the court's notice in the offender's vehicle license 1560  
plate registration record. 1561

Nothing in this section shall be construed as requiring the 1562  
registrar or the clerk of the court of common pleas to note upon 1563  
the certificate of title records any prohibition regarding the 1564  
sale of a motor vehicle. 1565

(5) If the title to a motor vehicle that is subject to an 1566  
immobilization order under division (A) of this section is 1567  
assigned or transferred without court approval between the time of 1568  
arrest of the offender who committed the offense for which such an 1569  
order is to be issued and the time of the actual immobilization of 1570  
the vehicle, the court shall order that, for a period of two years 1571  
from the date of the order, neither the registrar nor any deputy 1572  
registrar shall accept an application for the registration of any 1573  
motor vehicle in the name of the offender whose vehicle was 1574  
assigned or transferred without court approval. The court shall 1575  
notify the registrar of the order on a form prescribed by the 1576  
registrar for that purpose. 1577

(6) If the title to a motor vehicle that is subject to an 1578  
immobilization order under division (A) of this section is 1579  
assigned or transferred without court approval in violation of 1580  
division (D)(4) of this section, then, in addition to or 1581  
independent of any other penalty established by law, the court may 1582

fine the offender the value of the vehicle as determined by 1583  
publications of the national auto dealers association. The 1584  
proceeds from any fine so imposed shall be distributed in the same 1585  
manner as the proceeds of the sale of a forfeited vehicle are 1586  
distributed pursuant to division (C)(2) of section 4503.234 of the 1587  
Revised Code. 1588

(E)(1) The court with jurisdiction over the case, after 1589  
notice to all interested parties including lienholders, and after 1590  
an opportunity for them to be heard, if the offender fails to 1591  
appear in person, without good cause, or if the court finds that 1592  
the offender does not intend to seek release of the vehicle at the 1593  
end of the period of immobilization or that the offender is not or 1594  
will not be able to pay the expenses and charges incurred in its 1595  
removal and storage, may order that title to the vehicle be 1596  
transferred, in order of priority, first into the name of the 1597  
entity entitled to the immobilization fee under division (A)(5) of 1598  
this section, next into the name of a lienholder, or lastly, into 1599  
the name of the owner of the place of storage. 1600

A lienholder that receives title under a court order shall do 1601  
so on the condition that it pay any expenses or charges incurred 1602  
in the vehicle's removal and storage. If the entity that receives 1603  
title to the vehicle is the entity that is entitled to the 1604  
immobilization fee under division (A)(5) of this section, it shall 1605  
receive title on the condition that it pay any lien on the 1606  
vehicle. The court shall not order that title be transferred to 1607  
any person or entity other than the owner of the place of storage 1608  
if the person or entity refuses to receive the title. Any person 1609  
or entity that receives title may either keep title to the vehicle 1610  
or may dispose of the vehicle in any legal manner that it 1611  
considers appropriate, including assignment of the certificate of 1612  
title to the motor vehicle to a salvage dealer or a scrap metal 1613  
processing facility. The person or entity shall not transfer the 1614

vehicle to the person who is the vehicle's immediate previous 1615  
owner. 1616

If the person or entity assigns the motor vehicle to a 1617  
salvage dealer or scrap metal processing facility, the person or 1618  
entity shall send the assigned certificate of title to the motor 1619  
vehicle to the clerk of the court of common pleas of the county in 1620  
which the salvage dealer or scrap metal processing facility is 1621  
located. The person or entity shall mark the face of the 1622  
certificate of title with the words "FOR DESTRUCTION" and shall 1623  
deliver a photocopy of the certificate of title to the salvage 1624  
dealer or scrap metal processing facility for its records. 1625

(2) Whenever a court issues an order under division (E)(1) of 1626  
this section, the court also shall order removal of the license 1627  
plates from the vehicle and cause them to be sent to the registrar 1628  
if they have not already been sent to the registrar. Thereafter, 1629  
no further proceedings shall take place under this section, but 1630  
the offender remains liable for payment of the immobilization fee 1631  
described in division (A)(3) of this section if an immobilization 1632  
order previously had been issued by the court. 1633

(3) Prior to initiating a proceeding under division (E)(1) of 1634  
this section, and upon payment of the fee under division (B) of 1635  
section 4505.14 of the Revised Code, any interested party may 1636  
cause a search to be made of the public records of the bureau of 1637  
motor vehicles or the clerk of the court of common pleas, to 1638  
ascertain the identity of any lienholder of the vehicle. The 1639  
initiating party shall furnish this information to the clerk of 1640  
the court with jurisdiction over the case, and the clerk shall 1641  
provide notice to the vehicle owner, the defendant, any 1642  
lienholder, and any other interested parties listed by the 1643  
initiating party, at the last known address supplied by the 1644  
initiating party, by certified mail or, at the option of the 1645  
initiating party, by personal service or ordinary mail. 1646

As used in this section, "interested party" includes the  
offender, all lienholders, the owner of the place of storage,  
the person or entity that caused the vehicle to be removed,  
and the person or entity, if any, entitled to the immobilization  
fee under division (A)(5) of this section.

Sec. 4503.235. (A) If division (G) of section 4511.19 or  
division (B) of section 4511.193 of the Revised Code requires a  
court, as part of the sentence of an offender who is convicted of  
or pleads guilty to a violation of division (A) of section 4511.19  
of the Revised Code or as a sanction for an offender who is  
convicted of or pleaded guilty to a violation of a municipal OVI  
ordinance, to order the immobilization of a vehicle for a  
specified period of time, notwithstanding the requirement, the  
court in its discretion may determine not to order the  
immobilization of the vehicle if both of the following apply:

(1) Prior to the issuance of the order of immobilization, a  
family or household member of the offender files a motion with the  
court identifying the vehicle and requesting that the  
immobilization order not be issued on the ground that the family  
or household member is completely dependent on the vehicle for the  
necessities of life and that the immobilization of the vehicle  
would be an undue hardship to the family or household member.

(2) The court determines that the family or household member  
who files the motion is completely dependent on the vehicle for  
the necessities of life and that the immobilization of the vehicle  
would be an undue hardship to the family or household member.

(B) If a court pursuant to division (A) of this section  
determines not to order the immobilization of a vehicle that  
otherwise would be required pursuant to division (G) of section

4511.19 or division (B) of section 4511.193 of the Revised Code, 1678  
the court shall issue an order that waives the immobilization that 1679  
otherwise would be required pursuant to either of those divisions. 1680  
The immobilization waiver order shall be in effect for the period 1681  
of time for which the immobilization of the vehicle otherwise 1682  
would have been required under division (G) of section 4511.19 or 1683  
division (B) of section 4511.193 of the Revised Code if the 1684  
immobilization waiver order had not been issued, subject to 1685  
division (D) of this section. The immobilization waiver order 1686  
shall specify the period of time for which it is in effect. The 1687  
court shall provide a copy of an immobilization waiver order to 1688  
the offender and to the family or household member of the offender 1689  
who filed the motion requesting that the immobilization order not 1690  
be issued and shall place a copy of the immobilization waiver 1691  
order in the record in the case. The court shall impose an 1692  
immobilization waiver fee in the amount of fifty dollars. The 1693  
court shall determine whether the fee is to be paid by the 1694  
offender or by the family or household member. The clerk of the 1695  
court shall deposit the fee in the state treasury to the credit of 1696  
the indigent drivers alcohol treatment fund, created under 1697  
division (F) of section 4511.191 of the Revised Code. 1698

(C) If a court pursuant to division (B) of this section 1699  
issues an immobilization waiver order, the order shall identify 1700  
the family or household member who requested the order and the 1701  
vehicle to which the order applies, shall identify the family or 1702  
household members who are permitted to operate the vehicle, and 1703  
shall identify the offender and specify that the offender is not 1704  
permitted to operate the vehicle. The immobilization waiver order 1705  
shall require that the family or household member display on the 1706  
vehicle to which the order applies restricted license plates that 1707  
are issued under section 4503.231 of the Revised Code for the 1708  
entire period for which the immobilization of the vehicle 1709  
otherwise would have been required under division (G) of section 1710

4511.19 or division (B) of section 4511.193 of the Revised Code if 1711  
the immobilization waiver order had not been issued. 1712

(D) A family or household member who is permitted to operate 1713  
a vehicle under an immobilization waiver order issued under this 1714  
section shall not permit the offender to operate the vehicle. If a 1715  
family or household member who is permitted to operate a vehicle 1716  
under an immobilization waiver order issued under this section 1717  
permits the offender to operate the vehicle, both of the following 1718  
apply: 1719

(1) The court that issued the immobilization waiver order 1720  
shall terminate that order and shall issue an immobilization order 1721  
in accordance with section 4503.233 of the Revised Code that 1722  
applies to the vehicle, and the immobilization order shall be in 1723  
effect for the remaining period of time for which the 1724  
immobilization of the vehicle otherwise would have been required 1725  
under division (G) of section 4511.19 or division (B) of section 1726  
4511.193 of the Revised Code if the immobilization waiver order 1727  
had not been issued. 1728

(2) The conduct of the family or household member in 1729  
permitting the offender to operate the vehicle is a violation of 1730  
section 4511.203 of the Revised Code. 1731

(E) No offender shall operate a motor vehicle subject to an 1732  
immobilization waiver order. Whoever violates this division is 1733  
guilty of operating a motor vehicle in violation of an 1734  
immobilization waiver, a misdemeanor of the first degree. 1735

(F) "Family or household member" has the same meaning as in 1736  
section 2919.25 of the Revised Code, except that the person must 1737  
be currently residing with the offender. 1738

**Sec. 4510.13.** (A)(1) Divisions (A)(2) to ~~(7)~~(9) of this 1739  
section apply to a judge or mayor regarding the suspension of, or 1740

the grant of limited driving privileges during a suspension of, an 1741  
offender's driver's or commercial driver's license or permit or 1742  
nonresident operating privilege imposed under division (G) or (H) 1743  
of section 4511.19 of the Revised Code, under division (B) or (C) 1744  
of section 4511.191 of the Revised Code, or under section 4510.07 1745  
of the Revised Code for a conviction of a violation of a municipal 1746  
OVI ordinance. 1747

(2) No judge or mayor shall suspend the following portions of 1748  
the suspension of an offender's driver's or commercial driver's 1749  
license or permit or nonresident operating privilege imposed under 1750  
division (G) or (H) of section 4511.19 of the Revised Code or 1751  
under section 4510.07 of the Revised Code for a conviction of a 1752  
violation of a municipal OVI ordinance, provided that division 1753  
(A)(2) of this section does not limit a court or mayor in 1754  
crediting any period of suspension imposed pursuant to division 1755  
(B) or (C) of section 4511.191 of the Revised Code against any 1756  
time of judicial suspension imposed pursuant to section 4511.19 or 1757  
4510.07 of the Revised Code, as described in divisions (B)(2) and 1758  
(C)(2) of section 4511.191 of the Revised Code: 1759

(a) The first six months of a suspension imposed under 1760  
division (G)(1)(a) of section 4511.19 of the Revised Code or of a 1761  
comparable length suspension imposed under section 4510.07 of the 1762  
Revised Code; 1763

(b) The first year of a suspension imposed under division 1764  
(G)(1)(b) or (c) of section 4511.19 of the Revised Code or of a 1765  
comparable length suspension imposed under section 4510.07 of the 1766  
Revised Code; 1767

(c) The first three years of a suspension imposed under 1768  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1769  
or of a comparable length suspension imposed under section 4510.07 1770  
of the Revised Code; 1771

(d) The first sixty days of a suspension imposed under 1772  
division (H) of section 4511.19 of the Revised Code or of a 1773  
comparable length suspension imposed under section 4510.07 of the 1774  
Revised Code. 1775

(3) No judge or mayor shall grant limited driving privileges 1776  
to an offender whose driver's or commercial driver's license or 1777  
permit or nonresident operating privilege has been suspended under 1778  
division (G) or (H) of section 4511.19 of the Revised Code, under 1779  
division (C) of section 4511.191 of the Revised Code, or under 1780  
section 4510.07 of the Revised Code for a municipal OVI conviction 1781  
if the offender, within the preceding six years, has been 1782  
convicted of or pleaded guilty to three or more violations of one 1783  
or more of the Revised Code sections, municipal ordinances, 1784  
statutes of the United States or another state, or municipal 1785  
ordinances of a municipal corporation of another state that are 1786  
identified in divisions (G)(2)(b) to (h) of section 2919.22 of the 1787  
Revised Code. 1788

Additionally, no judge or mayor shall grant limited driving 1789  
privileges to an offender whose driver's or commercial driver's 1790  
license or permit or nonresident operating privilege has been 1791  
suspended under division (B) of section 4511.191 of the Revised 1792  
Code if the offender, within the preceding six years, has refused 1793  
three previous requests to consent to a chemical test of the 1794  
person's whole blood, blood serum or plasma, breath, or urine to 1795  
determine its alcohol content. 1796

(4) No judge or mayor shall grant limited driving privileges 1797  
for employment as a driver of commercial motor vehicles to an 1798  
offender whose driver's or commercial driver's license or permit 1799  
or nonresident operating privilege has been suspended under 1800  
division (G) or (H) of section 4511.19 of the Revised Code, under 1801  
division (B) or (C) of section 4511.191 of the Revised Code, or 1802  
under section 4510.07 of the Revised Code for a municipal OVI 1803

conviction if the offender is disqualified from operating a 1804  
commercial motor vehicle, or whose license or permit has been 1805  
suspended, under section 3123.58 or 4506.16 of the Revised Code. 1806

(5) No judge or mayor shall grant limited driving privileges 1807  
to an offender whose driver's or commercial driver's license or 1808  
permit or nonresident operating privilege has been suspended under 1809  
division (G) or (H) of section 4511.19 of the Revised Code, under 1810  
division (C) of section 4511.191 of the Revised Code, or under 1811  
section 4510.07 of the Revised Code for a conviction of a 1812  
violation of a municipal OVI ordinance during any of the following 1813  
periods of time: 1814

(a) The first fifteen days of a suspension imposed under 1815  
division (G)(1)(a) of section 4511.19 of the Revised Code or a 1816  
comparable length suspension imposed under section 4510.07 of the 1817  
Revised Code, or of a suspension imposed under division (C)(1)(a) 1818  
of section 4511.191 of the Revised Code. On or after the sixteenth 1819  
day of the suspension, the court may grant limited driving 1820  
privileges, but the court may require that the offender shall not 1821  
exercise the privileges unless the vehicles the offender operates 1822  
are equipped with immobilizing or disabling devices that monitor 1823  
the offender's alcohol consumption or any other type of 1824  
immobilizing or disabling devices, except as provided in division 1825  
(C) of section 4510.43 of the Revised Code. 1826

(b) The first ~~thirty~~ forty-five days of a suspension imposed 1827  
under ~~division (G)(1)(b) of section 4511.19 of the Revised Code or~~ 1828  
~~a comparable length suspension imposed under section 4510.07 of~~ 1829  
~~the Revised Code, or of a suspension imposed under~~ division 1830  
(C)(1)(b) of section 4511.191 of the Revised Code. On or after the 1831  
thirty-first day of suspension, the court may grant limited 1832  
driving privileges, but the court may require that the offender 1833  
shall not exercise the privileges unless the vehicles the offender 1834  
operates are equipped with immobilizing or disabling devices that 1835

monitor the offender's alcohol consumption or any other type of 1836  
immobilizing or disabling devices, except as provided in division 1837  
(C) of section 4510.43 of the Revised Code. 1838

(c) The first sixty days of a suspension imposed under 1839  
division (H) of section 4511.19 of the Revised Code or a 1840  
comparable length suspension imposed under section 4510.07 of the 1841  
Revised Code. 1842

(d) The first one hundred eighty days of a suspension imposed 1843  
~~under division (C)(1)(c) of section 4511.19 of the Revised Code or~~ 1844  
~~a comparable length suspension imposed under section 4510.07 of~~ 1845  
~~the Revised Code, or of a suspension imposed under division~~ 1846  
(C)(1)(c) of section 4511.191 of the Revised Code. The judge On or 1847  
after the first one hundred eighty days of suspension, the court 1848  
may grant limited driving privileges ~~on or after the one hundred~~ 1849  
~~eighty first day of the suspension only if the judge, at the time~~ 1850  
~~of granting the privileges, also issues, and either of the~~ 1851  
following applies: 1852

(i) If the underlying arrest is alcohol-related, the court 1853  
shall issue an order that, except as provided in division (C) of 1854  
section 4510.43 of the Revised Code, prohibiting the offender, 1855  
~~while exercising the privileges during the period commencing with~~ 1856  
~~the one hundred eighty first day of suspension and ending with the~~ 1857  
~~first year of suspension, from operating any motor vehicle unless~~ 1858  
~~it is equipped with an immobilizing or disabling device that~~ 1859  
~~monitors the offender's alcohol consumption. After the first year~~ 1860  
~~of the suspension, the court may authorize the offender to~~ 1861  
~~continue exercising the privileges in vehicles that are not~~ 1862  
~~equipped with immobilizing or disabling devices that monitor the~~ 1863  
~~offender's alcohol consumption, except as provided in division (C)~~ 1864  
~~of section 4510.43 of the Revised Code. If the offender does not~~ 1865  
~~petition for limited driving privileges until after the first year~~ 1866  
~~of suspension, the judge may grant limited driving privileges~~ 1867

~~without requiring the use of an immobilizing or disabling device~~ 1868  
~~that monitors the offender's alcohol consumption. for the~~ 1869  
~~remainder of the period of suspension the offender shall not~~ 1870  
~~exercise the privileges unless the vehicles the offender operates~~ 1871  
~~are equipped with a certified ignition interlock device.~~ 1872

(ii) If the underlying arrest is drug-related, the court in 1874  
its discretion may issue an order that, except as provided in 1875  
division (C) of section 4510.43 of the Revised Code, for the 1876  
remainder of the period of suspension the offender shall not 1877  
exercise the privileges unless the vehicles the offender operates 1878  
are equipped with a certified ignition interlock device. 1879

(e) The first forty-five days of a suspension imposed under 1880  
division (G)(1)(b) of section 4511.19 of the Revised Code or a 1881  
comparable length suspension imposed under section 4510.07 of the 1882  
Revised Code. On or after the forty-sixth day of the suspension, 1883  
the court may grant limited driving privileges, and either of the 1884  
following applies: 1885

(i) If the underlying conviction is alcohol-related, the 1886  
court shall issue an order that, except as provided in division 1887  
(C) of section 4510.43 of the Revised Code, for the remainder of 1888  
the period of suspension the offender shall not exercise the 1889  
privileges unless the vehicles the offender operates are equipped 1890  
with a certified ignition interlock device. 1891

(ii) If the underlying conviction is drug-related, the court 1892  
in its discretion may issue an order that, except as provided in 1893  
division (C) of section 4510.43 of the Revised Code, for the 1894  
remainder of the period of suspension the offender shall not 1895  
exercise the privileges unless the vehicles the offender operates 1896  
are equipped with a certified ignition interlock device. 1897

(f) The first one hundred eighty days of a suspension imposed 1898

under division (G)(1)(c) of section 4511.19 of the Revised Code or 1899  
a comparable length suspension imposed under section 4510.07 of 1900  
the Revised Code. On or after the one hundred eighty-first day of 1901  
the suspension, the court may grant limited driving privileges, 1902  
and either of the following applies: 1903

(i) If the underlying conviction is alcohol-related, the 1904  
court shall issue an order that, except as provided in division 1905  
(C) of section 4510.43 of the Revised Code, for the remainder of 1906  
the period of suspension the offender shall not exercise the 1907  
privileges unless the vehicles the offender operates are equipped 1908  
with a certified ignition interlock device. 1909

(ii) If the underlying conviction is drug-related, the court 1910  
in its discretion may issue an order that, except as provided in 1911  
division (C) of section 4510.43 of the Revised Code, for the 1912  
remainder of the period of suspension the offender shall not 1913  
exercise the privileges unless the vehicles the offender operates 1914  
are equipped with a certified ignition interlock device. 1915

(g) The first three years of a suspension imposed under 1916  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1917  
or a comparable length suspension imposed under section 4510.07 of 1918  
the Revised Code, or of a suspension imposed under division 1919  
(C)(1)(d) of section 4511.191 of the Revised Code. ~~The judge~~ On or 1920  
after the first three years of suspension, the court may grant 1921  
limited driving privileges ~~after the first three years of~~ 1922  
~~suspension only if the judge, at the time of granting the~~ 1923  
~~privileges, also issues an order,~~ and either of the following 1924  
applies: 1925

(i) If the underlying conviction is alcohol-related, the 1926  
court shall issue an order that ~~prohibiting the offender from~~ 1927  
~~operating any motor vehicle, for the period of suspension~~ 1928  
~~following the first three years of suspension, unless the motor~~ 1929  
~~vehicle is equipped with an immobilizing or disabling device that~~ 1930

~~monitors the offender's alcohol consumption, except as provided in~~ 1931  
~~division (C) of section 4510.43 of the Revised Code, for the~~ 1932  
~~remainder of the period of suspension the offender shall not~~ 1933  
~~exercise the privileges unless the vehicles the offender operates~~ 1934  
~~are equipped with a certified ignition interlock device.~~ 1935

(ii) If the underlying conviction is drug-related, the court 1936  
in its discretion may issue an order that, except as provided in 1937  
division (C) of section 4510.43 of the Revised Code, for the 1938  
remainder of the period of suspension the offender shall not 1939  
exercise the privileges unless the vehicles the offender operates 1940  
are equipped with a certified ignition interlock device. 1941

(6) No judge or mayor shall grant limited driving privileges 1942  
to an offender whose driver's or commercial driver's license or 1943  
permit or nonresident operating privilege has been suspended under 1944  
division (B) of section 4511.191 of the Revised Code during any of 1945  
the following periods of time: 1946

(a) The first thirty days of suspension imposed under 1947  
division (B)(1)(a) of section 4511.191 of the Revised Code; 1948

(b) The first ninety days of suspension imposed under 1949  
division (B)(1)(b) of section 4511.191 of the Revised Code; 1950

(c) The first year of suspension imposed under division 1951  
(B)(1)(c) of section 4511.191 of the Revised Code; 1952

(d) The first three years of suspension imposed under 1953  
division (B)(1)(d) of section 4511.191 of the Revised Code. 1954

(7) In any case in which a judge or mayor grants limited 1955  
driving privileges to an offender whose driver's or commercial 1956  
driver's license or permit or nonresident operating privilege has 1957  
been suspended under division (G)(1)(b), (c), (d), or (e) of 1958  
section 4511.19 of the Revised Code, under division (G)(1)(a) of 1959  
section 4511.19 of the Revised Code for a violation of division 1960  
(A)(1)(f), (g), (h), or (i) of that section, or under section 1961

4510.07 of the Revised Code for a municipal OVI conviction for 1962  
which sentence would have been imposed under division 1963  
(G)(1)(a)(ii) or (G)(1)(b), (c), (d), or (e) of section 4511.19 of 1964  
the Revised Code had the offender been charged with and convicted 1965  
of a violation of section 4511.19 of the Revised Code instead of a 1966  
violation of the municipal OVI ordinance, the judge or mayor shall 1967  
impose as a condition of the privileges that the offender must 1968  
display on the vehicle that is driven subject to the privileges 1969  
restricted license plates that are issued under section 4503.231 1970  
of the Revised Code, except as provided in division (B) of that 1971  
section. 1972

(8) In any case in which the offender operates a motor 1973  
vehicle that is not equipped with an ignition interlock device, 1974  
circumvents the device, or tampers with the device or in any case 1975  
in which the court receives notice pursuant to section 4510.46 of 1976  
the Revised Code that a certified ignition interlock device 1977  
required by an order issued under division (A)(5)(e), (f), or (g) 1978  
of this section prevented an offender from starting a motor 1979  
vehicle, the following applies: 1980

(a) If the offender was sentenced under division (G)(1)(b) of 1981  
section 4511.19 of the Revised Code, on a first instance the court 1982  
may require the offender to wear a monitor that provides 1983  
continuous alcohol monitoring that is remote. On a second 1984  
instance, the court shall require the offender to wear a monitor 1985  
that provides continuous alcohol monitoring that is remote for a 1986  
minimum of forty days. On a third instance or more, the court 1987  
shall require the offender to wear a monitor that provides 1988  
continuous alcohol monitoring that is remote for a minimum of 1989  
sixty days. 1990

(b) If the offender was sentenced under division (G)(1)(c), 1991  
(d), or (e) of section 4511.19 of the Revised Code, on a first 1992  
instance the court shall require the offender to wear a monitor 1993

that provides continuous alcohol monitoring that is remote for a 1994  
minimum of forty days. On a second instance or more, the court 1995  
shall require the offender to wear a monitor that provides 1996  
continuous alcohol monitoring that is remote for a minimum of 1997  
sixty days. 1998

(9) In any case in which the court issues an order under this 1999  
section prohibiting an offender from exercising limited driving 2000  
privileges unless the vehicles the offender operates are equipped 2001  
with an immobilizing or disabling device, including a certified 2002  
ignition interlock device, or requires an offender to wear a 2003  
monitor that provides continuous alcohol monitoring that is 2004  
remote, the court shall impose an additional court cost of two 2005  
dollars and fifty cents upon the offender. The court shall not 2006  
waive the payment of the two dollars and fifty cents unless the 2007  
court determines that the offender is indigent and waives the 2008  
payment of all court costs imposed upon the indigent offender. The 2009  
clerk of court shall retain one hundred per cent of this court 2010  
cost. The clerk of court shall transmit one hundred per cent of 2011  
this court cost collected during a month on the first business day 2012  
of the following month to the state treasury to be credited to the 2013  
state highway safety fund created under section 4501.06 of the 2014  
Revised Code, to be used by the department of public safety to 2015  
cover costs associated with maintaining the habitual OVI/OMWI 2016  
offender registry created under section 5502.10 of the Revised 2017  
Code. In its discretion the court may impose an additional court 2018  
cost of two dollars and fifty cents upon the offender. The clerk 2019  
of court shall retain this two dollar and fifty cent court cost, 2020  
if imposed, and shall deposit it in the court's special projects 2021  
fund that is established under division (E)(1) of section 2303.201 2022  
or division (B)(1) of section 1901.26 of the Revised Code. 2023

(10) In any case in which the court issues an order under 2024  
this section prohibiting an offender from exercising limited 2025

driving privileges unless the vehicles the offender operates are 2026  
equipped with an immobilizing or disabling device, including a 2027  
certified ignition interlock device, the court shall notify the 2028  
offender at the time the offender is granted limited driving 2029  
privileges that, in accordance with section 4510.46 of the Revised 2030  
Code, if the court receives notice that the device prevented the 2031  
offender from starting the motor vehicle because the device was 2032  
tampered with or circumvented or because the analysis of the 2033  
deep-lung breath sample or other method employed by the device to 2034  
measure the concentration by weight of alcohol in the offender's 2035  
breath indicated the presence of alcohol in the offender's breath 2036  
in a concentration sufficient to prevent the device from 2037  
permitting the motor vehicle to be started, the court may increase 2038  
the period of suspension of the offender's driver's or commercial 2039  
driver's license or permit or nonresident operating privilege from 2040  
that originally imposed by the court by a factor of two and may 2041  
increase the period of time during which the offender will be 2042  
prohibited from exercising any limited driving privileges granted 2043  
to the offender unless the vehicles the offender operates are 2044  
equipped with a certified ignition interlock device by a factor of 2045  
two. 2046

(B) Any person whose driver's or commercial driver's license 2047  
or permit or nonresident operating privilege has been suspended 2048  
pursuant to section 4511.19 or 4511.191 of the Revised Code or 2049  
under section 4510.07 of the Revised Code for a violation of a 2050  
municipal OVI ordinance may file a petition for limited driving 2051  
privileges during the suspension. The person shall file the 2052  
petition in the court that has jurisdiction over the place of 2053  
arrest. Subject to division (A) of this section, the court may 2054  
grant the person limited driving privileges during the period 2055  
during which the suspension otherwise would be imposed. However, 2056  
the court shall not grant the privileges for employment as a 2057  
driver of a commercial motor vehicle to any person who is 2058

disqualified from operating a commercial motor vehicle under 2059  
section 4506.16 of the Revised Code or during any of the periods 2060  
prescribed by division (A) of this section. 2061

(C)(1) After a driver's or commercial driver's license or 2062  
permit or nonresident operating privilege has been suspended 2063  
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 2064  
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 5743.99 2065  
of the Revised Code, any provision of Chapter 2925. of the Revised 2066  
Code, or section 4510.07 of the Revised Code for a violation of a 2067  
municipal OVI ordinance, the judge of the court or mayor of the 2068  
mayor's court that suspended the license, permit, or privilege 2069  
shall cause the offender to deliver to the court the license or 2070  
permit. The judge, mayor, or clerk of the court or mayor's court 2071  
shall forward to the registrar the license or permit together with 2072  
notice of the action of the court. 2073

(2) A suspension of a commercial driver's license under any 2074  
section or chapter identified in division (C)(1) of this section 2075  
shall be concurrent with any period of suspension or 2076  
disqualification under section 3123.58 or 4506.16 of the Revised 2077  
Code. No person who is disqualified for life from holding a 2078  
commercial driver's license under section 4506.16 of the Revised 2079  
Code shall be issued a driver's license under this chapter during 2080  
the period for which the commercial driver's license was suspended 2081  
under this section, and no person whose commercial driver's 2082  
license is suspended under any section or chapter identified in 2083  
division (C)(1) of this section shall be issued a driver's license 2084  
under Chapter 4507. of the Revised Code during the period of the 2085  
suspension. 2086

(3) No judge or mayor shall suspend any class one suspension, 2087  
or any portion of any class one suspension, imposed under section 2088  
2903.04, 2903.06, 2903.08, or 2921.331 of the Revised Code. No 2089  
judge or mayor shall suspend the first thirty days of any class 2090

two, class three, class four, class five, or class six suspension 2091  
imposed under section 2903.06, 2903.08, 2903.11, 2923.02, or 2092  
2929.02 of the Revised Code. 2093

(D) The judge of the court or mayor of the mayor's court 2094  
shall credit any time during which an offender was subject to an 2095  
administrative suspension of the offender's driver's or commercial 2096  
driver's license or permit or nonresident operating privilege 2097  
imposed pursuant to section 4511.191 or 4511.192 of the Revised 2098  
Code or a suspension imposed by a judge, referee, or mayor 2099  
pursuant to division (B)(1) or (2) of section 4511.196 of the 2100  
Revised Code against the time to be served under a related 2101  
suspension imposed pursuant to any section or chapter identified 2102  
in division (C)(1) of this section. 2103

(E) The judge or mayor shall notify the bureau of motor 2104  
vehicles of any determinations made pursuant to this section and 2105  
of any suspension imposed pursuant to any section or chapter 2106  
identified in division (C)(1) of this section. 2107

(F)(1) If a court issues an immobilizing or disabling device 2108  
order under section 4510.43 of the Revised Code, the order shall 2109  
authorize the offender during the specified period to operate a 2110  
motor vehicle only if it is equipped with an immobilizing or 2111  
disabling device, except as provided in division (C) of that 2112  
section. The court shall provide the offender with a copy of an 2113  
immobilizing or disabling device order issued under section 2114  
4510.43 of the Revised Code, and the offender shall use the copy 2115  
of the order in lieu of an Ohio driver's or commercial driver's 2116  
license or permit until the registrar or a deputy registrar issues 2117  
the offender a restricted license. 2118

An order issued under section 4510.43 of the Revised Code 2119  
does not authorize or permit the offender to whom it has been 2120  
issued to operate a vehicle during any time that the offender's 2121  
driver's or commercial driver's license or permit is suspended 2122

under any other provision of law. 2123

(2) An offender may present an immobilizing or disabling 2124  
device order to the registrar or to a deputy registrar. Upon 2125  
presentation of the order to the registrar or a deputy registrar, 2126  
the registrar or deputy registrar shall issue the offender a 2127  
restricted license. A restricted license issued under this 2128  
division shall be identical to an Ohio driver's license, except 2129  
that it shall have printed on its face a statement that the 2130  
offender is prohibited during the period specified in the court 2131  
order from operating any motor vehicle that is not equipped with 2132  
an immobilizing or disabling device. The date of commencement and 2133  
the date of termination of the period of suspension shall be 2134  
indicated conspicuously upon the face of the license. 2135

**Sec. 4510.43.** (A)(1) The director of public safety, upon 2136  
consultation with the director of health and in accordance with 2137  
Chapter 119. of the Revised Code, shall certify immobilizing and 2138  
disabling devices and, subject to section 4510.45 of the Revised 2139  
Code, shall publish and make available to the courts, without 2140  
charge, a list of licensed manufacturers of ignition interlock 2141  
devices and approved devices together with information about the 2142  
manufacturers of the devices and where they may be obtained. The 2143  
manufacturer of an immobilizing or disabling device shall pay the 2144  
cost of obtaining the certification of the device to the director 2145  
of public safety, and the director shall deposit the payment in 2146  
the drivers' treatment and intervention fund established by 2147  
sections 4511.19 and 4511.191 of the Revised Code. 2148

(2) The director of public safety, in accordance with Chapter 2149  
119. of the Revised Code, shall adopt and publish rules setting 2150  
forth the requirements for obtaining the certification of an 2151  
immobilizing or disabling device. The director of public safety 2152  
shall not certify an immobilizing or disabling device under this 2153

section unless it meets the requirements specified and published 2154  
by the director in the rules adopted pursuant to this division. A 2155  
certified device may consist of an ignition interlock device, an 2156  
ignition blocking device initiated by time or magnetic or 2157  
electronic encoding, an activity monitor, or any other device that 2158  
reasonably assures compliance with an order granting limited 2159  
driving privileges. Ignition interlock devices shall be certified 2160  
annually. 2161

The requirements for an immobilizing or disabling device that 2162  
is an ignition interlock device shall require that the 2163  
manufacturer of the device submit to the department of public 2164  
safety a certificate from an independent testing laboratory 2165  
indicating that the device meets or exceeds the standards of the 2166  
national highway traffic safety administration, as defined in 2167  
section 4511.19 of the Revised Code, that are in effect at the 2168  
time of the director's decision regarding certification of the 2169  
device, shall include provisions for setting a minimum and maximum 2170  
calibration range, and shall include, but shall not be limited to, 2171  
specifications that the device complies with all of the following: 2172

(a) It does not impede the safe operation of the vehicle. 2173

(b) It has features that make circumvention difficult and 2174  
that do not interfere with the normal use of the vehicle, and the 2175  
features are operating and functioning. 2176

(c) It correlates well with established measures of alcohol 2177  
impairment. 2178

(d) It works accurately and reliably in an unsupervised 2179  
environment. 2180

(e) It is resistant to tampering and shows evidence of 2181  
tampering if tampering is attempted. 2182

(f) It is difficult to circumvent and requires premeditation 2183  
to do so. 2184

(g) It minimizes inconvenience to a sober user. 2185

(h) It requires a proper, deep-lung breath sample or other 2186  
accurate measure of the concentration by weight of alcohol in the 2187  
breath. 2188

(i) It operates reliably over the range of automobile 2189  
environments. 2190

(j) It is made by a manufacturer who is covered by product 2191  
liability insurance. 2192

(3) The director of public safety may adopt, in whole or in 2193  
part, the guidelines, rules, regulations, studies, or independent 2194  
laboratory tests performed and relied upon by other states, or 2195  
their agencies or commissions, in the certification or approval of 2196  
immobilizing or disabling devices. 2197

(4) The director of public safety shall adopt rules in 2198  
accordance with Chapter 119. of the Revised Code for the design of 2199  
a warning label that shall be affixed to each immobilizing or 2200  
disabling device upon installation. The label shall contain a 2201  
warning that any person tampering, circumventing, or otherwise 2202  
misusing the device is subject to a fine, imprisonment, or both 2203  
and may be subject to civil liability. 2204

(B) A court considering the use of a prototype device in a 2205  
pilot program shall advise the director of public safety, thirty 2206  
days before the use, of the prototype device and its protocol, 2207  
methodology, manufacturer, and licensor, lessor, other agent, or 2208  
owner, and the length of the court's pilot program. A prototype 2209  
device shall not be used for a violation of section 4510.14 or 2210  
4511.19 of the Revised Code, a violation of a municipal OVI 2211  
ordinance, or in relation to a suspension imposed under section 2212  
4511.191 of the Revised Code. A court that uses a prototype device 2213  
in a pilot program, periodically during the existence of the 2214  
program and within fourteen days after termination of the program, 2215

shall report in writing to the director of public safety regarding 2216  
the effectiveness of the prototype device and the program. 2217

(C) If a person has been granted limited driving privileges 2218  
with a condition of the privileges being that the motor vehicle 2219  
that is operated under the privileges must be equipped with an 2220  
immobilizing or disabling device, the person may operate a motor 2221  
vehicle that is owned by the person's employer only if the person 2222  
is required to operate that motor vehicle in the course and scope 2223  
of the offender's employment. Such a person may operate that 2224  
vehicle without the installation of an immobilizing or disabling 2225  
device, provided that the employer has been notified that the 2226  
person has limited driving privileges and of the nature of the 2227  
restriction and further provided that the person has proof of the 2228  
employer's notification in the person's possession while operating 2229  
the employer's vehicle for normal business duties. A motor vehicle 2230  
owned by a business that is partly or entirely owned or controlled 2231  
by a person with limited driving privileges is not a motor vehicle 2232  
owned by an employer, for purposes of this division. 2233

Sec. 4510.45. (A)(1) A manufacturer of ignition interlock 2234  
devices that desires for its devices to be certified under section 2235  
4510.43 of the Revised Code and then to be included on the list of 2236  
certified devices that the department of public safety compiles 2237  
and makes available to courts pursuant to that section first shall 2238  
obtain a license from the department under this section. The 2239  
department, in accordance with Chapter 119. of the Revised Code, 2240  
shall adopt any rules that are necessary to implement this 2241  
licensing requirement. 2242

(2) A manufacturer shall apply to the department for the 2243  
license and shall include all information the department may 2244  
require by rule. Each application, including an application for 2245  
license renewal, shall be accompanied by an application fee of one 2246

hundred dollars, which the department shall deposit into the state 2247  
treasury to the credit of the indigent drivers alcohol treatment 2248  
fund created by section 4511.191 of the Revised Code. 2249

(3) Upon receipt of a completed application, if the 2250  
department finds that a manufacturer has complied with all 2251  
application requirements, the department shall issue a license to 2252  
the manufacturer. A manufacturer that has been issued a license 2253  
under this section is eligible immediately to have the models of 2254  
ignition interlock devices it produces certified under section 2255  
4510.43 of the Revised Code and then included on the list of 2256  
certified devices that the department compiles and makes available 2257  
to courts pursuant to that section. 2258

(4)(a) A license issued under this section shall expire 2259  
annually on a date selected by the department. The department 2260  
shall reject the license application of a manufacturer if any of 2261  
the following apply: 2262

(i) The application is not accompanied by the application 2263  
fee. 2264

(ii) The department finds that the manufacturer has not 2265  
complied with all application requirements. 2266

(iii) The license application is a renewal application and 2267  
the manufacturer failed to file the annual report or failed to pay 2268  
the fee as required by division (B) of this section. 2269

(b) A manufacturer whose license application is rejected by 2270  
the department may appeal the decision to the director of public 2271  
safety. The director or the director's designee shall hold a 2272  
hearing on the matter not more than thirty days from the date of 2273  
the manufacturer's appeal. If the director or the director's 2274  
designee upholds the denial of the manufacturer's application for 2275  
a license, the manufacturer may appeal the decision to the 2276  
Franklin county court of common pleas. If the director or the 2277

director's designee reverses the denial of the manufacturer's 2278  
application for a license, the director or the director's designee 2279  
shall issue a written order directing that the department issue a 2280  
license to the manufacturer. 2281

(B) Every manufacturer of ignition interlock devices that is 2282  
issued a license under this section shall file an annual report 2283  
with the department on a form the department prescribes on or 2284  
before a date the department prescribes. The annual report shall 2285  
state the amount of net profit the manufacturer earned during a 2286  
twelve-month period specified by the department that is 2287  
attributable to the sales of that manufacturer's certified 2288  
ignition interlock devices to purchasers in this state. Each 2289  
manufacturer shall pay a fee equal to five per cent of the amount 2290  
of the net profit described in this division. 2291

The department may permit annual reports to be filed via 2292  
electronic means. 2293

(C) The department shall deposit all fees it receives from 2294  
manufacturers under this section into the state treasury to the 2295  
credit of the indigent drivers alcohol treatment fund created by 2296  
section 4511.191 of the Revised Code. All money so deposited into 2297  
that fund that is paid by the department of alcohol and drug 2298  
addiction services to county indigent drivers alcohol treatment 2299  
funds, county juvenile indigent drivers alcohol treatment funds, 2300  
and municipal indigent drivers alcohol treatment funds shall be 2301  
used only as described in division (H)(3) of section 4511.191 of 2302  
the Revised Code. 2303

(D)(1) The director may make an assessment, based on any 2304  
information in the director's possession, against any manufacturer 2305  
that fails to file an annual report or pay the fee required by 2306  
division (B) of this section. The director, in accordance with 2307  
Chapter 119. of the Revised Code, shall adopt rules governing 2308  
assessments and assessment procedures and related provisions. In 2309

adopting these rules, the director shall incorporate the 2310  
provisions of section 5751.09 of the Revised Code to the greatest 2311  
extent possible, except that the director is not required to 2312  
incorporate any provisions of that section that by their nature 2313  
are not applicable, appropriate, or necessary to assessments made 2314  
by the director under this section. 2315

(2) A manufacturer may appeal the final determination of the 2316  
director regarding an assessment made by the director under this 2317  
section. The director, in accordance with Chapter 119. of the 2318  
Revised Code, shall adopt rules governing such appeals. In 2319  
adopting these rules, the director shall incorporate the 2320  
provisions of section 5717.02 of the Revised Code to the greatest 2321  
extent possible, except that the director is not required to 2322  
incorporate any provisions of that section that by their nature 2323  
are not applicable, appropriate, or necessary to appeals of 2324  
assessments made by the director under this section. 2325

(E) The director, in accordance with Chapter 119. of the 2326  
Revised Code, shall adopt a penalty schedule setting forth the 2327  
monetary penalties to be imposed upon a manufacturer that is 2328  
issued a license under this section and fails to file an annual 2329  
report or pay the fee required by division (B) of this section in 2330  
a timely manner. The penalty amounts shall not exceed the maximum 2331  
penalty amounts established in section 5751.06 of the Revised Code 2332  
for similar or equivalent facts or circumstances. 2333

(F)(1) No manufacturer of ignition interlock devices that is 2334  
required by division (B) of this section to file an annual report 2335  
with the department or to pay a fee shall fail to do so as 2336  
required by that division. 2337

(2) No manufacturer of ignition interlock devices that is 2338  
required by division (B) of this section to file an annual report 2339  
with the department shall file a report that contains incorrect or 2340  
erroneous information. 2341

(G) Whoever violates division (F)(2) of this section is 2342  
guilty of a misdemeanor of the first degree. The department shall 2343  
remove from the list of certified devices described in division 2344  
(A)(1) of this section the ignition interlock devices manufactured 2345  
by a manufacturer that violates division (F)(1) or (2) of this 2346  
section. 2347

**Sec. 4510.46.** (A) A governmental agency, bureau, department, 2348  
or office, or a private corporation, or any other entity that 2349  
monitors certified ignition interlock devices for or on behalf of 2350  
a court shall inform the court whenever such a device that has 2351  
been installed in a motor vehicle indicates that it has prevented 2352  
an offender whose driver's or commercial driver's license or 2353  
permit or nonresident operating privilege has been suspended by a 2354  
court under division (G)(1)(a), (b), (c), (d), or (e) of section 2355  
4511.19 of the Revised Code and who has been granted limited 2356  
driving privileges under section 4510.13 of the Revised Code from 2357  
starting the motor vehicle because the device was tampered with or 2358  
circumvented or because the analysis of the deep-lung breath 2359  
sample or other method employed by the ignition interlock device 2360  
to measure the concentration by weight of alcohol in the 2361  
offender's breath indicated the presence of alcohol in the 2362  
offender's breath in a concentration sufficient to prevent the 2363  
ignition interlock device from permitting the motor vehicle to be 2364  
started. 2365

(B) Upon receipt of such information pertaining to an 2366  
offender whose driver's or commercial driver's license or permit 2367  
or nonresident operating privilege has been suspended by a court 2368  
under division (G)(1)(b), (c), (d), or (e) of section 4511.19 of 2369  
the Revised Code and who has been granted limited driving 2370  
privileges under section 4510.13 of the Revised Code, the court 2371  
shall send a notice to the offender stating that it has received 2372  
evidence of an instance described in division (A) of this section. 2373

If a court pursuant to division (A)(8) of section 4510.13 of the Revised Code requires the offender to wear an alcohol monitor, the notice shall state that because of this instance the offender is required to wear a monitor that provides for continuous alcohol monitoring in accordance with division (A)(8) of section 4510.13 of the Revised Code. The notice shall further state that because of this instance the court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from that originally imposed by the court by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two.

The notice shall state whether the court will impose these increases and, if so, that these increases will take effect fourteen days from the date of the notice unless the offender files a timely motion with the court, appealing the increases in the time described in this division and requesting a hearing on the matter. Any such motion that is filed within that fourteen-day period shall be considered to be filed in a timely manner, and any such motion that is filed after that fourteen-day period shall be considered not to be filed in a timely manner. If the offender files a timely motion, the court may hold a hearing on the matter. The scope of the hearing is limited to determining whether the offender in fact was prevented from starting a motor vehicle that is equipped with a certified ignition interlock device because the device was tampered with or circumvented or because the analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to

prevent the ignition interlock device from permitting the motor 2407  
vehicle to be started. 2408

2409

If the court finds by a preponderance of the evidence that 2410  
this instance as indicated by the ignition interlock device in 2411  
fact did occur, it may deny the offender's appeal and issue the 2412  
order increasing the relevant periods of time described in this 2413  
division. If the court finds by a preponderance of the evidence 2414  
that this instance as indicated by the ignition interlock device 2415  
in fact did not occur, it shall grant the offender's appeal and no 2416  
such order shall be issued. 2417

(C) In no case shall any period of suspension of an 2418  
offender's driver's or commercial driver's license or permit or 2419  
nonresident operating privilege that is increased by a factor of 2420  
two or any period of time during which the offender is prohibited 2421  
from exercising any limited driving privileges granted to the 2422  
offender unless the vehicles the offender operates are equipped 2423  
with a certified ignition interlock device that is increased by a 2424  
factor of two exceed the maximum period of time for which the 2425  
court originally was authorized to suspend the offender's driver's 2426  
or commercial driver's license or permit or nonresident operating 2427  
privilege under division (G)(1)(a), (b), (c), (d), or (e) of 2428  
section 4511.19 of the Revised Code. 2429

(D) Nothing in this section shall be construed as prohibiting 2430  
the court from revoking an individual's driving privileges. 2431

**Sec. 4511.181.** As used in sections 4511.181 to ~~4511.197~~ 2432  
4511.199 of the Revised Code: 2433

(A) "Equivalent offense" means any of the following: 2434

(1) A violation of division (A) or (B) of section 4511.19 of 2435  
the Revised Code; 2436

(2) A violation of a municipal OVI ordinance;	2437
(3) A violation of section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section;	2438 2439 2440
(4) A violation of division (A)(1) of section 2903.06 or 2903.08 of the Revised Code or a municipal ordinance that is substantially equivalent to either of those divisions;	2441 2442 2443
(5) A violation of division (A)(2), (3), or (4) of section 2903.06, division (A)(2) of section 2903.08, or former section 2903.07 of the Revised Code, or a municipal ordinance that is substantially equivalent to any of those divisions or that former section, in a case in which a judge or jury as the trier of fact found that the offender was under the influence of alcohol, a drug of abuse, or a combination of them;	2444 2445 2446 2447 2448 2449 2450
(6) <u>A violation of division (A) or (B) of section 1547.11 of the Revised Code;</u>	2451 2452
(7) <u>A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;</u>	2453 2454 2455 2456 2457 2458 2459 2460 2461 2462 2463
(8) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) or (B) of section 4511.19 or <u>division (A) or (B) of section 1547.11</u> of the Revised Code;	2464 2465 2466 2467

~~(7)~~(9) A violation of a former law of this state that was 2468  
substantially equivalent to division (A) or (B) of section 4511.19 2469  
or division (A) or (B) of section 1547.11 of the Revised Code. 2470

(B) "Mandatory jail term" means the mandatory term in jail of 2471  
three, six, ten, twenty, thirty, or sixty days that must be 2472  
imposed under division (G)(1)(a), (b), or (c) of section 4511.19 2473  
of the Revised Code upon an offender convicted of a violation of 2474  
division (A) of that section and in relation to which all of the 2475  
following apply: 2476

(1) Except as specifically authorized under section 4511.19 2477  
of the Revised Code, the term must be served in a jail. 2478

(2) Except as specifically authorized under section 4511.19 2479  
of the Revised Code, the term cannot be suspended, reduced, or 2480  
otherwise modified pursuant to sections 2929.21 to 2929.28 or any 2481  
other provision of the Revised Code. 2482

(C) "Municipal OVI ordinance" and "municipal OVI offense" 2483  
mean any municipal ordinance prohibiting a person from operating a 2484  
vehicle while under the influence of alcohol, a drug of abuse, or 2485  
a combination of them or prohibiting a person from operating a 2486  
vehicle with a prohibited concentration of alcohol, a controlled 2487  
substance, or a metabolite of a controlled substance in the whole 2488  
blood, blood serum or plasma, breath, or urine. 2489

(D) "Community residential sanction," "jail," "mandatory 2490  
prison term," "mandatory term of local incarceration," "sanction," 2491  
and "prison term" have the same meanings as in section 2929.01 of 2492  
the Revised Code. 2493

(E) "Drug of abuse" has the same meaning as in section 2494  
4506.01 of the Revised Code. 2495

(F) "Equivalent offense that is vehicle-related" means an 2496  
equivalent offense that is any of the following: 2497

<u>(1) A violation described in division (A)(1), (2), (3), (4),</u>	2498
<u>or (5) of this section;</u>	2499
<u>(2) A violation of an existing or former municipal ordinance,</u>	2500
<u>law of another state, or law of the United States that is</u>	2501
<u>substantially equivalent to division (A) or (B) of section 4511.19</u>	2502
<u>of the Revised Code;</u>	2503
<u>(3) A violation of a former law of this state that was</u>	2504
<u>substantially equivalent to division (A) or (B) of section 4511.19</u>	2505
<u>of the Revised Code.</u>	2506
<b>Sec. 4511.19.</b> (A)(1) No person shall operate any vehicle,	2507
streetcar, or trackless trolley within this state, if, at the time	2508
of the operation, any of the following apply:	2509
(a) The person is under the influence of alcohol, a drug of	2510
abuse, or a combination of them.	2511
(b) The person has a concentration of eight-hundredths of one	2512
per cent or more but less than seventeen-hundredths of one per	2513
cent by weight per unit volume of alcohol in the person's whole	2514
blood.	2515
(c) The person has a concentration of ninety-six-thousandths	2516
of one per cent or more but less than two hundred four-thousandths	2517
of one per cent by weight per unit volume of alcohol in the	2518
person's blood serum or plasma.	2519
(d) The person has a concentration of eight-hundredths of one	2520
gram or more but less than seventeen-hundredths of one gram by	2521
weight of alcohol per two hundred ten liters of the person's	2522
breath.	2523
(e) The person has a concentration of eleven-hundredths of	2524
one gram or more but less than two hundred	2525
thirty-eight-thousandths of one gram by weight of alcohol per one	2526
hundred milliliters of the person's urine.	2527

(f) The person has a concentration of seventeen-hundredths of 2528  
one per cent or more by weight per unit volume of alcohol in the 2529  
person's whole blood. 2530

(g) The person has a concentration of two hundred 2531  
four-thousandths of one per cent or more by weight per unit volume 2532  
of alcohol in the person's blood serum or plasma. 2533

(h) The person has a concentration of seventeen-hundredths of 2534  
one gram or more by weight of alcohol per two hundred ten liters 2535  
of the person's breath. 2536

(i) The person has a concentration of two hundred 2537  
thirty-eight-thousandths of one gram or more by weight of alcohol 2538  
per one hundred milliliters of the person's urine. 2539

(j) Except as provided in division (K) of this section, the 2540  
person has a concentration of any of the following controlled 2541  
substances or metabolites of a controlled substance in the 2542  
person's whole blood, blood serum or plasma, or urine that equals 2543  
or exceeds any of the following: 2544

(i) The person has a concentration of amphetamine in the 2545  
person's urine of at least five hundred nanograms of amphetamine 2546  
per milliliter of the person's urine or has a concentration of 2547  
amphetamine in the person's whole blood or blood serum or plasma 2548  
of at least one hundred nanograms of amphetamine per milliliter of 2549  
the person's whole blood or blood serum or plasma. 2550

(ii) The person has a concentration of cocaine in the 2551  
person's urine of at least one hundred fifty nanograms of cocaine 2552  
per milliliter of the person's urine or has a concentration of 2553  
cocaine in the person's whole blood or blood serum or plasma of at 2554  
least fifty nanograms of cocaine per milliliter of the person's 2555  
whole blood or blood serum or plasma. 2556

(iii) The person has a concentration of cocaine metabolite in 2557  
the person's urine of at least one hundred fifty nanograms of 2558

cocaine metabolite per milliliter of the person's urine or has a 2559  
concentration of cocaine metabolite in the person's whole blood or 2560  
blood serum or plasma of at least fifty nanograms of cocaine 2561  
metabolite per milliliter of the person's whole blood or blood 2562  
serum or plasma. 2563

(iv) The person has a concentration of heroin in the person's 2564  
urine of at least two thousand nanograms of heroin per milliliter 2565  
of the person's urine or has a concentration of heroin in the 2566  
person's whole blood or blood serum or plasma of at least fifty 2567  
nanograms of heroin per milliliter of the person's whole blood or 2568  
blood serum or plasma. 2569

(v) The person has a concentration of heroin metabolite 2570  
(6-monoacetyl morphine) in the person's urine of at least ten 2571  
nanograms of heroin metabolite (6-monoacetyl morphine) per 2572  
milliliter of the person's urine or has a concentration of heroin 2573  
metabolite (6-monoacetyl morphine) in the person's whole blood or 2574  
blood serum or plasma of at least ten nanograms of heroin 2575  
metabolite (6-monoacetyl morphine) per milliliter of the person's 2576  
whole blood or blood serum or plasma. 2577

(vi) The person has a concentration of L.S.D. in the person's 2578  
urine of at least twenty-five nanograms of L.S.D. per milliliter 2579  
of the person's urine or a concentration of L.S.D. in the person's 2580  
whole blood or blood serum or plasma of at least ten nanograms of 2581  
L.S.D. per milliliter of the person's whole blood or blood serum 2582  
or plasma. 2583

(vii) The person has a concentration of marihuana in the 2584  
person's urine of at least ten nanograms of marihuana per 2585  
milliliter of the person's urine or has a concentration of 2586  
marihuana in the person's whole blood or blood serum or plasma of 2587  
at least two nanograms of marihuana per milliliter of the person's 2588  
whole blood or blood serum or plasma. 2589

(viii) Either of the following applies: 2590

(I) The person is under the influence of alcohol, a drug of 2591  
abuse, or a combination of them, and, as measured by gas 2592  
chromatography mass spectrometry, the person has a concentration 2593  
of marihuana metabolite in the person's urine of at least fifteen 2594  
nanograms of marihuana metabolite per milliliter of the person's 2595  
urine or has a concentration of marihuana metabolite in the 2596  
person's whole blood or blood serum or plasma of at least five 2597  
nanograms of marihuana metabolite per milliliter of the person's 2598  
whole blood or blood serum or plasma. 2599

(II) As measured by gas chromatography mass spectrometry, the 2600  
person has a concentration of marihuana metabolite in the person's 2601  
urine of at least thirty-five nanograms of marihuana metabolite 2602  
per milliliter of the person's urine or has a concentration of 2603  
marihuana metabolite in the person's whole blood or blood serum or 2604  
plasma of at least fifty nanograms of marihuana metabolite per 2605  
milliliter of the person's whole blood or blood serum or plasma. 2606

(ix) The person has a concentration of methamphetamine in the 2607  
person's urine of at least five hundred nanograms of 2608  
methamphetamine per milliliter of the person's urine or has a 2609  
concentration of methamphetamine in the person's whole blood or 2610  
blood serum or plasma of at least one hundred nanograms of 2611  
methamphetamine per milliliter of the person's whole blood or 2612  
blood serum or plasma. 2613

(x) The person has a concentration of phencyclidine in the 2614  
person's urine of at least twenty-five nanograms of phencyclidine 2615  
per milliliter of the person's urine or has a concentration of 2616  
phencyclidine in the person's whole blood or blood serum or plasma 2617  
of at least ten nanograms of phencyclidine per milliliter of the 2618  
person's whole blood or blood serum or plasma. 2619

(2) No person who, within twenty years of the conduct 2620

described in division (A)(2)(a) of this section, previously has 2621  
been convicted of or pleaded guilty to a violation of this 2622  
division, a violation of division (A)(1) or (B) of this section, 2623  
or ~~a municipal OVI~~ any other equivalent offense shall do both of 2624  
the following: 2625

(a) Operate any vehicle, streetcar, or trackless trolley 2626  
within this state while under the influence of alcohol, a drug of 2627  
abuse, or a combination of them; 2628

(b) Subsequent to being arrested for operating the vehicle, 2629  
streetcar, or trackless trolley as described in division (A)(2)(a) 2630  
of this section, being asked by a law enforcement officer to 2631  
submit to a chemical test or tests under section 4511.191 of the 2632  
Revised Code, and being advised by the officer in accordance with 2633  
section 4511.192 of the Revised Code of the consequences of the 2634  
person's refusal or submission to the test or tests, refuse to 2635  
submit to the test or tests. 2636

(B) No person under twenty-one years of age shall operate any 2637  
vehicle, streetcar, or trackless trolley within this state, if, at 2638  
the time of the operation, any of the following apply: 2639

(1) The person has a concentration of at least two-hundredths 2640  
of one per cent but less than eight-hundredths of one per cent by 2641  
weight per unit volume of alcohol in the person's whole blood. 2642

(2) The person has a concentration of at least 2643  
three-hundredths of one per cent but less than 2644  
ninety-six-thousandths of one per cent by weight per unit volume 2645  
of alcohol in the person's blood serum or plasma. 2646

(3) The person has a concentration of at least two-hundredths 2647  
of one gram but less than eight-hundredths of one gram by weight 2648  
of alcohol per two hundred ten liters of the person's breath. 2649

(4) The person has a concentration of at least twenty-eight 2650  
one-thousandths of one gram but less than eleven-hundredths of one 2651

gram by weight of alcohol per one hundred milliliters of the 2652  
person's urine. 2653

(C) In any proceeding arising out of one incident, a person 2654  
may be charged with a violation of division (A)(1)(a) or (A)(2) 2655  
and a violation of division (B)(1), (2), or (3) of this section, 2656  
but the person may not be convicted of more than one violation of 2657  
these divisions. 2658

(D)(1)(a) In any criminal prosecution or juvenile court 2659  
proceeding for a violation of division (A)(1)(a) of this section 2660  
or for an equivalent offense that is vehicle-related, the result 2661  
of any test of any blood or urine withdrawn and analyzed at any 2662  
health care provider, as defined in section 2317.02 of the Revised 2663  
Code, may be admitted with expert testimony to be considered with 2664  
any other relevant and competent evidence in determining the guilt 2665  
or innocence of the defendant. 2666

(b) In any criminal prosecution or juvenile court proceeding 2667  
for a violation of division (A) or (B) of this section or for an 2668  
equivalent offense that is vehicle-related, the court may admit 2669  
evidence on the concentration of alcohol, drugs of abuse, 2670  
controlled substances, metabolites of a controlled substance, or a 2671  
combination of them in the defendant's whole blood, blood serum or 2672  
plasma, breath, urine, or other bodily substance at the time of 2673  
the alleged violation as shown by chemical analysis of the 2674  
substance withdrawn within three hours of the time of the alleged 2675  
violation. The three-hour time limit specified in this division 2676  
regarding the admission of evidence does not extend or affect the 2677  
two-hour time limit specified in division (A) of section 4511.192 2678  
of the Revised Code as the maximum period of time during which a 2679  
person may consent to a chemical test or tests as described in 2680  
that section. The court may admit evidence on the concentration of 2681  
alcohol, drugs of abuse, or a combination of them as described in 2682  
this division when a person submits to a blood, breath, urine, or 2683

other bodily substance test at the request of a law enforcement 2684  
officer under section 4511.191 of the Revised Code or a blood or 2685  
urine sample is obtained pursuant to a search warrant. Only a 2686  
physician, a registered nurse, or a qualified technician, chemist, 2687  
or phlebotomist shall withdraw a blood sample for the purpose of 2688  
determining the alcohol, drug, controlled substance, metabolite of 2689  
a controlled substance, or combination content of the whole blood, 2690  
blood serum, or blood plasma. This limitation does not apply to 2691  
the taking of breath or urine specimens. A person authorized to 2692  
withdraw blood under this division may refuse to withdraw blood 2693  
under this division, if in that person's opinion, the physical 2694  
welfare of the person would be endangered by the withdrawing of 2695  
blood. 2696

The bodily substance withdrawn under division (D)(1)(b) of 2697  
this section shall be analyzed in accordance with methods approved 2698  
by the director of health by an individual possessing a valid 2699  
permit issued by the director pursuant to section 3701.143 of the 2700  
Revised Code. 2701

(2) In a criminal prosecution or juvenile court proceeding 2702  
for a violation of division (A) of this section or for an 2703  
equivalent offense that is vehicle-related, if there was at the 2704  
time the bodily substance was withdrawn a concentration of less 2705  
than the applicable concentration of alcohol specified in 2706  
divisions (A)(1)(b), (c), (d), and (e) of this section or less 2707  
than the applicable concentration of a listed controlled substance 2708  
or a listed metabolite of a controlled substance specified for a 2709  
violation of division (A)(1)(j) of this section, that fact may be 2710  
considered with other competent evidence in determining the guilt 2711  
or innocence of the defendant. This division does not limit or 2712  
affect a criminal prosecution or juvenile court proceeding for a 2713  
violation of division (B) of this section or for an equivalent 2714  
offense that is substantially equivalent to that division. 2715

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(3) Upon the request of the person who was tested, the  
results of the chemical test shall be made available to the person  
or the person's attorney, immediately upon the completion of the  
chemical test analysis.

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If the chemical test was obtained pursuant to division  
(D)(1)(b) of this section, the person tested may have a physician,  
a registered nurse, or a qualified technician, chemist, or  
phlebotomist of the person's own choosing administer a chemical  
test or tests, at the person's expense, in addition to any  
administered at the request of a law enforcement officer. The form  
to be read to the person to be tested, as required under section  
4511.192 of the Revised Code, shall state that the person may have  
an independent test performed at the person's expense. The failure  
or inability to obtain an additional chemical test by a person  
shall not preclude the admission of evidence relating to the  
chemical test or tests taken at the request of a law enforcement  
officer.

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(4)(a) As used in divisions (D)(4)(b) and (c) of this  
section, "national highway traffic safety administration" means  
the national highway traffic safety administration established as  
an administration of the United States department of  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105.

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(b) In any criminal prosecution or juvenile court proceeding  
for a violation of division (A) or (B) of this section, of a  
municipal ordinance relating to operating a vehicle while under  
the influence of alcohol, a drug of abuse, or alcohol and a drug  
of abuse, or of a municipal ordinance relating to operating a  
vehicle with a prohibited concentration of alcohol, a controlled  
substance, or a metabolite of a controlled substance in the whole  
blood, blood serum or plasma, breath, or urine, if a law  
enforcement officer has administered a field sobriety test to the

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operator of the vehicle involved in the violation and if it is 2748  
shown by clear and convincing evidence that the officer 2749  
administered the test in substantial compliance with the testing 2750  
standards for any reliable, credible, and generally accepted field 2751  
sobriety tests that were in effect at the time the tests were 2752  
administered, including, but not limited to, any testing standards 2753  
then in effect that were set by the national highway traffic 2754  
safety administration, all of the following apply: 2755

(i) The officer may testify concerning the results of the 2756  
field sobriety test so administered. 2757

(ii) The prosecution may introduce the results of the field 2758  
sobriety test so administered as evidence in any proceedings in 2759  
the criminal prosecution or juvenile court proceeding. 2760

(iii) If testimony is presented or evidence is introduced 2761  
under division (D)(4)(b)(i) or (ii) of this section and if the 2762  
testimony or evidence is admissible under the Rules of Evidence, 2763  
the court shall admit the testimony or evidence and the trier of 2764  
fact shall give it whatever weight the trier of fact considers to 2765  
be appropriate. 2766

(c) Division (D)(4)(b) of this section does not limit or 2767  
preclude a court, in its determination of whether the arrest of a 2768  
person was supported by probable cause or its determination of any 2769  
other matter in a criminal prosecution or juvenile court 2770  
proceeding of a type described in that division, from considering 2771  
evidence or testimony that is not otherwise disallowed by division 2772  
(D)(4)(b) of this section. 2773

(E)(1) Subject to division (E)(3) of this section, in any 2774  
criminal prosecution or juvenile court proceeding for a violation 2775  
of division (A)(1)(b), (c), (d), (e), (f), (g), (h), (i), or (j) 2776  
or (B)(1), (2), (3), or (4) of this section or for an equivalent 2777  
offense that is substantially equivalent to any of those 2778

divisions, a laboratory report from any laboratory personnel 2779  
issued a permit by the department of health authorizing an 2780  
analysis as described in this division that contains an analysis 2781  
of the whole blood, blood serum or plasma, breath, urine, or other 2782  
bodily substance tested and that contains all of the information 2783  
specified in this division shall be admitted as prima-facie 2784  
evidence of the information and statements that the report 2785  
contains. The laboratory report shall contain all of the 2786  
following: 2787

(a) The signature, under oath, of any person who performed 2788  
the analysis; 2789

(b) Any findings as to the identity and quantity of alcohol, 2790  
a drug of abuse, a controlled substance, a metabolite of a 2791  
controlled substance, or a combination of them that was found; 2792

(c) A copy of a notarized statement by the laboratory 2793  
director or a designee of the director that contains the name of 2794  
each certified analyst or test performer involved with the report, 2795  
the analyst's or test performer's employment relationship with the 2796  
laboratory that issued the report, and a notation that performing 2797  
an analysis of the type involved is part of the analyst's or test 2798  
performer's regular duties; 2799

(d) An outline of the analyst's or test performer's 2800  
education, training, and experience in performing the type of 2801  
analysis involved and a certification that the laboratory 2802  
satisfies appropriate quality control standards in general and, in 2803  
this particular analysis, under rules of the department of health. 2804

(2) Notwithstanding any other provision of law regarding the 2805  
admission of evidence, a report of the type described in division 2806  
(E)(1) of this section is not admissible against the defendant to 2807  
whom it pertains in any proceeding, other than a preliminary 2808  
hearing or a grand jury proceeding, unless the prosecutor has 2809

served a copy of the report on the defendant's attorney or, if the  
defendant has no attorney, on the defendant.

(3) A report of the type described in division (E)(1) of this  
section shall not be prima-facie evidence of the contents,  
identity, or amount of any substance if, within seven days after  
the defendant to whom the report pertains or the defendant's  
attorney receives a copy of the report, the defendant or the  
defendant's attorney demands the testimony of the person who  
signed the report. The judge in the case may extend the seven-day  
time limit in the interest of justice.

(F) Except as otherwise provided in this division, any  
physician, registered nurse, or qualified technician, chemist, or  
phlebotomist who withdraws blood from a person pursuant to this  
section or section 4511.191 or 4511.192 of the Revised Code, and  
any hospital, first-aid station, or clinic at which blood is  
withdrawn from a person pursuant to this section or section  
4511.191 or 4511.192 of the Revised Code, is immune from criminal  
liability and civil liability based upon a claim of assault and  
battery or any other claim that is not a claim of malpractice, for  
any act performed in withdrawing blood from the person. The  
immunity provided in this division is not available to a person  
who withdraws blood if the person engages in willful or wanton  
misconduct.

(G)(1) Whoever violates any provision of divisions (A)(1)(a)  
to (i) or (A)(2) of this section is guilty of operating a vehicle  
under the influence of alcohol, a drug of abuse, or a combination  
of them. Whoever violates division (A)(1)(j) of this section is  
guilty of operating a vehicle while under the influence of a  
listed controlled substance or a listed metabolite of a controlled  
substance. The court shall sentence the offender for either  
offense under Chapter 2929. of the Revised Code, except as  
otherwise authorized or required by divisions (G)(1)(a) to (e) of

this section: 2842

(a) Except as otherwise provided in division (G)(1)(b), (c), 2843  
(d), or (e) of this section, the offender is guilty of a 2844  
misdemeanor of the first degree, and the court shall sentence the 2845  
offender to all of the following: 2846

(i) If the sentence is being imposed for a violation of 2847  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2848  
mandatory jail term of three consecutive days. As used in this 2849  
division, three consecutive days means seventy-two consecutive 2850  
hours. The court may sentence an offender to both an intervention 2851  
program and a jail term. The court may impose a jail term in 2852  
addition to the three-day mandatory jail term or intervention 2853  
program. However, in no case shall the cumulative jail term 2854  
imposed for the offense exceed six months. 2855

The court may suspend the execution of the three-day jail 2856  
term under this division if the court, in lieu of that suspended 2857  
term, places the offender under a community control sanction 2858  
pursuant to section 2929.25 of the Revised Code and requires the 2859  
offender to attend, for three consecutive days, a drivers' 2860  
intervention program certified under section 3793.10 of the 2861  
Revised Code. The court also may suspend the execution of any part 2862  
of the three-day jail term under this division if it places the 2863  
offender under a community control sanction pursuant to section 2864  
2929.25 of the Revised Code for part of the three days, requires 2865  
the offender to attend for the suspended part of the term a 2866  
drivers' intervention program so certified, and sentences the 2867  
offender to a jail term equal to the remainder of the three 2868  
consecutive days that the offender does not spend attending the 2869  
program. The court may require the offender, as a condition of 2870  
community control and in addition to the required attendance at a 2871  
drivers' intervention program, to attend and satisfactorily 2872  
complete any treatment or education programs that comply with the 2873

minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a mandatory jail term of at least three consecutive days and a requirement that the offender attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. As used in this division, three consecutive days means seventy-two consecutive hours. If the court determines that the offender is not conducive to treatment in a drivers' intervention program, if the offender refuses to attend a drivers' intervention program, or if the jail at which the offender is to serve the jail term imposed can provide a driver's intervention program, the court shall sentence the offender to a mandatory jail term of at least six consecutive days.

The court may require the offender, under a community control sanction imposed under section 2929.25 of the Revised Code, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services, in addition to the required attendance at drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any

other conditions of community control on the offender that it 2906  
considers necessary. 2907

(iii) In all cases, a fine of not less than three hundred 2908  
~~twenty-five~~ seventy-five and not more than one thousand 2909  
seventy-five dollars; 2910

(iv) In all cases, a class five license suspension of the 2911  
offender's driver's or commercial driver's license or permit or 2912  
nonresident operating privilege from the range specified in 2913  
division (A)(5) of section 4510.02 of the Revised Code. The court 2914  
may grant limited driving privileges relative to the suspension 2915  
under sections 4510.021 and 4510.13 of the Revised Code. 2916

(b) Except as otherwise provided in division (G)(1)(e) of 2917  
this section, an offender who, within six years of the offense, 2918  
previously has been convicted of or pleaded guilty to one 2919  
violation of division (A) or (B) of this section or one other 2920  
equivalent offense is guilty of a misdemeanor of the first degree. 2921  
The court shall sentence the offender to all of the following: 2922

(i) If the sentence is being imposed for a violation of 2923  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 2924  
mandatory jail term of ten consecutive days. The court shall 2925  
impose the ten-day mandatory jail term under this division unless, 2926  
subject to division (G)(3) of this section, it instead imposes a 2927  
sentence under that division consisting of both a jail term and a 2928  
term of house arrest with electronic monitoring, with continuous 2929  
alcohol monitoring, or with both electronic monitoring and 2930  
continuous alcohol monitoring. The court may impose a jail term in 2931  
addition to the ten-day mandatory jail term. The cumulative jail 2932  
term imposed for the offense shall not exceed six months. 2933

In addition to the jail term or the term of house arrest with 2934  
electronic monitoring or continuous alcohol monitoring or both 2935  
types of monitoring and jail term, the court ~~may~~ shall require the 2936

offender to ~~attend a drivers' intervention~~ be assessed by an 2937  
alcohol and drug treatment program that is ~~certified pursuant to~~ 2938  
authorized by section 3793.10 3793.02 of the Revised Code, subject 2939  
to division (I) of this section, and shall order the offender to 2940  
follow the treatment recommendations of the program. ~~If the~~ 2941  
~~operator of the program determines that the offender is alcohol~~ 2942  
~~dependent, the~~ The purpose of the assessment is to determine the 2943  
degree of the offender's alcohol usage and to determine whether or 2944  
not treatment is warranted. Upon the request of the court, the 2945  
~~program shall notify the court, and, subject to division (I) of~~ 2946  
~~this section, the court shall order the offender to obtain~~ 2947  
~~treatment through an alcohol and drug addiction program authorized~~ 2948  
~~by section 3793.02 of the Revised Code~~ submit the results of the 2949  
assessment to the court, including all treatment recommendations 2950  
and clinical diagnoses related to alcohol use. 2951

(ii) If the sentence is being imposed for a violation of 2952  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2953  
section, except as otherwise provided in this division, a 2954  
mandatory jail term of twenty consecutive days. The court shall 2955  
impose the twenty-day mandatory jail term under this division 2956  
unless, subject to division (G)(3) of this section, it instead 2957  
imposes a sentence under that division consisting of both a jail 2958  
term and a term of house arrest with electronic monitoring, with 2959  
continuous alcohol monitoring, or with both electronic monitoring 2960  
and continuous alcohol monitoring. The court may impose a jail 2961  
term in addition to the twenty-day mandatory jail term. The 2962  
cumulative jail term imposed for the offense shall not exceed six 2963  
months. 2964

In addition to the jail term or the term of house arrest with 2965  
electronic monitoring or continuous alcohol monitoring or both 2966  
types of monitoring and jail term, the court ~~may~~ shall require the 2967  
offender to ~~attend a driver's intervention~~ be assessed by an 2968

~~alcohol and drug treatment program that is certified pursuant to~~ 2969  
~~authorized by section 3793.10 3793.02 of the Revised Code, subject~~ 2970  
~~to division (I) of this section, and shall order the offender to~~ 2971  
~~follow the treatment recommendations of the program. If the~~ 2972  
~~operator of the program determines that the offender is alcohol~~ 2973  
~~dependent, the~~ The purpose of the assessment is to determine the 2974  
degree of the offender's alcohol usage and to determine whether or 2975  
not treatment is warranted. Upon the request of the court, the 2976  
~~program shall notify the court, and, subject to division (I) of~~ 2977  
~~this section, the court shall order the offender to obtain~~ 2978  
~~treatment through an alcohol and drug addiction program authorized~~ 2979  
~~by section 3793.02 of the Revised Code~~ submit the results of the 2980  
assessment to the court, including all treatment recommendations 2981  
and clinical diagnoses related to alcohol use. 2982

(iii) In all cases, notwithstanding the fines set forth in 2983  
Chapter 2929. of the Revised Code, a fine of not less than ~~four~~ 2984  
five hundred ~~seventy-five~~ twenty-five and not more than one 2985  
thousand six hundred twenty-five dollars; 2986

(iv) In all cases, a class four license suspension of the 2987  
offender's driver's license, commercial driver's license, 2988  
temporary instruction permit, probationary license, or nonresident 2989  
operating privilege from the range specified in division (A)(4) of 2990  
section 4510.02 of the Revised Code. The court may grant limited 2991  
driving privileges relative to the suspension under sections 2992  
4510.021 and 4510.13 of the Revised Code. 2993

(v) In all cases, if the vehicle is registered in the 2994  
offender's name, immobilization of the vehicle involved in the 2995  
offense for ninety days in accordance with section 4503.233 of the 2996  
Revised Code and impoundment of the license plates of that vehicle 2997  
for ninety days. 2998

(c) Except as otherwise provided in division (G)(1)(e) of 2999  
this section, an offender who, within six years of the offense, 3000

previously has been convicted of or pleaded guilty to two 3001  
violations of division (A) or (B) of this section or other 3002  
equivalent offenses is guilty of a misdemeanor. The court shall 3003  
sentence the offender to all of the following: 3004

(i) If the sentence is being imposed for a violation of 3005  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 3006  
mandatory jail term of thirty consecutive days. The court shall 3007  
impose the thirty-day mandatory jail term under this division 3008  
unless, subject to division (G)(3) of this section, it instead 3009  
imposes a sentence under that division consisting of both a jail 3010  
term and a term of house arrest with electronic monitoring, with 3011  
continuous alcohol monitoring, or with both electronic monitoring 3012  
and continuous alcohol monitoring. The court may impose a jail 3013  
term in addition to the thirty-day mandatory jail term. 3014  
Notwithstanding the jail terms set forth in sections 2929.21 to 3015  
2929.28 of the Revised Code, the additional jail term shall not 3016  
exceed one year, and the cumulative jail term imposed for the 3017  
offense shall not exceed one year. 3018

(ii) If the sentence is being imposed for a violation of 3019  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3020  
section, a mandatory jail term of sixty consecutive days. The 3021  
court shall impose the sixty-day mandatory jail term under this 3022  
division unless, subject to division (G)(3) of this section, it 3023  
instead imposes a sentence under that division consisting of both 3024  
a jail term and a term of house arrest with electronic monitoring, 3025  
with continuous alcohol monitoring, or with both electronic 3026  
monitoring and continuous alcohol monitoring. The court may impose 3027  
a jail term in addition to the sixty-day mandatory jail term. 3028  
Notwithstanding the jail terms set forth in sections 2929.21 to 3029  
2929.28 of the Revised Code, the additional jail term shall not 3030  
exceed one year, and the cumulative jail term imposed for the 3031  
offense shall not exceed one year. 3032

(iii) In all cases, notwithstanding the fines set forth in Chapter 2929. of the Revised Code, a fine of not less than eight hundred fifty and not more than two thousand seven hundred fifty dollars;

(iv) In all cases, a class three license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, ~~participation~~ the court shall order the offender to participate in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the program. The operator of the program shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the program shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(d) Except as otherwise provided in division (G)(1)(e) of this section, an offender who, within six years of the offense, previously has been convicted of or pleaded guilty to three or four violations of division (A) or (B) of this section or other

equivalent offenses or an offender who, within twenty years of the offense, previously has been convicted of or pleaded guilty to five or more violations of that nature is guilty of a felony of the fourth degree. The court shall sentence the offender to all of the following:

(i) If the sentence is being imposed for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or, in the discretion of the court, either a mandatory term of local incarceration of sixty consecutive days in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of that section if the offender is not convicted of and does not plead guilty to a specification of that type. If the court imposes a mandatory term of local incarceration, it may impose a jail term in addition to the sixty-day mandatory term, the cumulative total of the mandatory term and the jail term for the offense shall not exceed one year, and, except as provided in division (A)(1) of section 2929.13 of the Revised Code, no prison term is authorized for the offense. If the court imposes a mandatory prison term, notwithstanding division (A)(4) of section 2929.14 of the Revised Code, it also may sentence the offender to a definite prison term that shall be not less than six months and not more than thirty months and the prison terms shall be imposed as described in division (G)(2) of section 2929.13 of the Revised Code. If the court imposes a mandatory prison term or mandatory prison term and additional prison term, in addition to the term or terms so imposed, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all

of the prison terms so imposed prior to serving the community 3098  
control sanction. 3099

(ii) If the sentence is being imposed for a violation of 3100  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3101  
section, a mandatory prison term of one, two, three, four, or five 3102  
years as required by and in accordance with division (G)(2) of 3103  
section 2929.13 of the Revised Code if the offender also is 3104  
convicted of or also pleads guilty to a specification of the type 3105  
described in section 2941.1413 of the Revised Code or, in the 3106  
discretion of the court, either a mandatory term of local 3107  
incarceration of one hundred twenty consecutive days in accordance 3108  
with division (G)(1) of section 2929.13 of the Revised Code or a 3109  
mandatory prison term of one hundred twenty consecutive days in 3110  
accordance with division (G)(2) of that section if the offender is 3111  
not convicted of and does not plead guilty to a specification of 3112  
that type. If the court imposes a mandatory term of local 3113  
incarceration, it may impose a jail term in addition to the one 3114  
hundred twenty-day mandatory term, the cumulative total of the 3115  
mandatory term and the jail term for the offense shall not exceed 3116  
one year, and, except as provided in division (A)(1) of section 3117  
2929.13 of the Revised Code, no prison term is authorized for the 3118  
offense. If the court imposes a mandatory prison term, 3119  
notwithstanding division (A)(4) of section 2929.14 of the Revised 3120  
Code, it also may sentence the offender to a definite prison term 3121  
that shall be not less than six months and not more than thirty 3122  
months and the prison terms shall be imposed as described in 3123  
division (G)(2) of section 2929.13 of the Revised Code. If the 3124  
court imposes a mandatory prison term or mandatory prison term and 3125  
additional prison term, in addition to the term or terms so 3126  
imposed, the court also may sentence the offender to a community 3127  
control sanction for the offense, but the offender shall serve all 3128  
of the prison terms so imposed prior to serving the community 3129  
control sanction. 3130

(iii) In all cases, notwithstanding section 2929.18 of the Revised Code, a fine of not less than one thousand three hundred fifty nor more than ten thousand five hundred dollars;

(iv) In all cases, a class two license suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege from the range specified in division (A)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code.

(v) In all cases, if the vehicle is registered in the offender's name, criminal forfeiture of the vehicle involved in the offense in accordance with section 4503.234 of the Revised Code. Division (G)(6) of this section applies regarding any vehicle that is subject to an order of criminal forfeiture under this division.

(vi) In all cases, ~~participation~~ the court shall order the offender to participate in an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the program. The operator of the program shall determine and assess the degree of the offender's alcohol dependency and shall make recommendations for treatment. Upon the request of the court, the program shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

(vii) In all cases, if the court sentences the offender to a mandatory term of local incarceration, in addition to the mandatory term, the court, pursuant to section 2929.17 of the Revised Code, may impose a term of house arrest with electronic monitoring. The term shall not commence until after the offender

has served the mandatory term of local incarceration. 3163

(e) An offender who previously has been convicted of or 3164  
pleaded guilty to a violation of division (A) of this section that 3165  
was a felony, regardless of when the violation and the conviction 3166  
or guilty plea occurred, is guilty of a felony of the third 3167  
degree. The court shall sentence the offender to all of the 3168  
following: 3169

(i) If the offender is being sentenced for a violation of 3170  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a 3171  
mandatory prison term of one, two, three, four, or five years as 3172  
required by and in accordance with division (G)(2) of section 3173  
2929.13 of the Revised Code if the offender also is convicted of 3174  
or also pleads guilty to a specification of the type described in 3175  
section 2941.1413 of the Revised Code or a mandatory prison term 3176  
of sixty consecutive days in accordance with division (G)(2) of 3177  
section 2929.13 of the Revised Code if the offender is not 3178  
convicted of and does not plead guilty to a specification of that 3179  
type. The court may impose a prison term in addition to the 3180  
mandatory prison term. The cumulative total of a sixty-day 3181  
mandatory prison term and the additional prison term for the 3182  
offense shall not exceed five years. In addition to the mandatory 3183  
prison term or mandatory prison term and additional prison term 3184  
the court imposes, the court also may sentence the offender to a 3185  
community control sanction for the offense, but the offender shall 3186  
serve all of the prison terms so imposed prior to serving the 3187  
community control sanction. 3188

(ii) If the sentence is being imposed for a violation of 3189  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3190  
section, a mandatory prison term of one, two, three, four, or five 3191  
years as required by and in accordance with division (G)(2) of 3192  
section 2929.13 of the Revised Code if the offender also is 3193  
convicted of or also pleads guilty to a specification of the type 3194

described in section 2941.1413 of the Revised Code or a mandatory 3195  
prison term of one hundred twenty consecutive days in accordance 3196  
with division (G)(2) of section 2929.13 of the Revised Code if the 3197  
offender is not convicted of and does not plead guilty to a 3198  
specification of that type. The court may impose a prison term in 3199  
addition to the mandatory prison term. The cumulative total of a 3200  
one hundred twenty-day mandatory prison term and the additional 3201  
prison term for the offense shall not exceed five years. In 3202  
addition to the mandatory prison term or mandatory prison term and 3203  
additional prison term the court imposes, the court also may 3204  
sentence the offender to a community control sanction for the 3205  
offense, but the offender shall serve all of the prison terms so 3206  
imposed prior to serving the community control sanction. 3207

(iii) In all cases, notwithstanding section 2929.18 of the 3208  
Revised Code, a fine of not less than one thousand three hundred 3209  
fifty nor more than ten thousand five hundred dollars; 3210

(iv) In all cases, a class two license suspension of the 3211  
offender's driver's license, commercial driver's license, 3212  
temporary instruction permit, probationary license, or nonresident 3213  
operating privilege from the range specified in division (A)(2) of 3214  
section 4510.02 of the Revised Code. The court may grant limited 3215  
driving privileges relative to the suspension under sections 3216  
4510.021 and 4510.13 of the Revised Code. 3217

(v) In all cases, if the vehicle is registered in the 3218  
offender's name, criminal forfeiture of the vehicle involved in 3219  
the offense in accordance with section 4503.234 of the Revised 3220  
Code. Division (G)(6) of this section applies regarding any 3221  
vehicle that is subject to an order of criminal forfeiture under 3222  
this division. 3223

(vi) In all cases, ~~participation~~ the court shall order the 3224  
offender to participate in an alcohol and drug addiction program 3225  
authorized by section 3793.02 of the Revised Code, subject to 3226

division (I) of this section, and shall order the offender to 3227  
follow the treatment recommendations of the program. The operator 3228  
of the program shall determine and assess the degree of the 3229  
offender's alcohol dependency and shall make recommendations for 3230  
treatment. Upon the request of the court, the program shall submit 3231  
the results of the assessment to the court, including all 3232  
treatment recommendations and clinical diagnoses related to 3233  
alcohol use. 3234

(2) An offender who is convicted of or pleads guilty to a 3235  
violation of division (A) of this section and who subsequently 3236  
seeks reinstatement of the driver's or occupational driver's 3237  
license or permit or nonresident operating privilege suspended 3238  
under this section as a result of the conviction or guilty plea 3239  
shall pay a reinstatement fee as provided in division (F)(2) of 3240  
section 4511.191 of the Revised Code. 3241

(3) If an offender is sentenced to a jail term under division 3242  
(G)(1)(b)(i) or (ii) or (G)(1)(c)(i) or (ii) of this section and 3243  
if, within sixty days of sentencing of the offender, the court 3244  
issues a written finding on the record that, due to the 3245  
unavailability of space at the jail where the offender is required 3246  
to serve the term, the offender will not be able to begin serving 3247  
that term within the sixty-day period following the date of 3248  
sentencing, the court may impose an alternative sentence under 3249  
this division that includes a term of house arrest with electronic 3250  
monitoring, with continuous alcohol monitoring, or with both 3251  
electronic monitoring and continuous alcohol monitoring. 3252

As an alternative to a mandatory jail term of ten consecutive 3253  
days required by division (G)(1)(b)(i) of this section, the court, 3254  
under this division, may sentence the offender to five consecutive 3255  
days in jail and not less than eighteen consecutive days of house 3256  
arrest with electronic monitoring, with continuous alcohol 3257  
monitoring, or with both electronic monitoring and continuous 3258

alcohol monitoring. The cumulative total of the five consecutive 3259  
days in jail and the period of house arrest with electronic 3260  
monitoring, continuous alcohol monitoring, or both types of 3261  
monitoring shall not exceed six months. The five consecutive days 3262  
in jail do not have to be served prior to or consecutively to the 3263  
period of house arrest. 3264

As an alternative to the mandatory jail term of twenty 3265  
consecutive days required by division (G)(1)(b)(ii) of this 3266  
section, the court, under this division, may sentence the offender 3267  
to ten consecutive days in jail and not less than thirty-six 3268  
consecutive days of house arrest with electronic monitoring, with 3269  
continuous alcohol monitoring, or with both electronic monitoring 3270  
and continuous alcohol monitoring. The cumulative total of the ten 3271  
consecutive days in jail and the period of house arrest with 3272  
electronic monitoring, continuous alcohol monitoring, or both 3273  
types of monitoring shall not exceed six months. The ten 3274  
consecutive days in jail do not have to be served prior to or 3275  
consecutively to the period of house arrest. 3276

As an alternative to a mandatory jail term of thirty 3277  
consecutive days required by division (G)(1)(c)(i) of this 3278  
section, the court, under this division, may sentence the offender 3279  
to fifteen consecutive days in jail and not less than fifty-five 3280  
consecutive days of house arrest with electronic monitoring, with 3281  
continuous alcohol monitoring, or with both electronic monitoring 3282  
and continuous alcohol monitoring. The cumulative total of the 3283  
fifteen consecutive days in jail and the period of house arrest 3284  
with electronic monitoring, continuous alcohol monitoring, or both 3285  
types of monitoring shall not exceed one year. The fifteen 3286  
consecutive days in jail do not have to be served prior to or 3287  
consecutively to the period of house arrest. 3288

As an alternative to the mandatory jail term of sixty 3289  
consecutive days required by division (G)(1)(c)(ii) of this 3290

section, the court, under this division, may sentence the offender 3291  
to thirty consecutive days in jail and not less than one hundred 3292  
ten consecutive days of house arrest with electronic monitoring, 3293  
with continuous alcohol monitoring, or with both electronic 3294  
monitoring and continuous alcohol monitoring. The cumulative total 3295  
of the thirty consecutive days in jail and the period of house 3296  
arrest with electronic monitoring, continuous alcohol monitoring, 3297  
or both types of monitoring shall not exceed one year. The thirty 3298  
consecutive days in jail do not have to be served prior to or 3299  
consecutively to the period of house arrest. 3300

(4) If an offender's driver's or occupational driver's 3301  
license or permit or nonresident operating privilege is suspended 3302  
under division (G) of this section and if section 4510.13 of the 3303  
Revised Code permits the court to grant limited driving 3304  
privileges, the court may grant the limited driving privileges in 3305  
accordance with that section. If division (A)(7) of that section 3306  
requires that the court impose as a condition of the privileges 3307  
that the offender must display on the vehicle that is driven 3308  
subject to the privileges restricted license plates that are 3309  
issued under section 4503.231 of the Revised Code, except as 3310  
provided in division (B) of that section, the court shall impose 3311  
that condition as one of the conditions of the limited driving 3312  
privileges granted to the offender, except as provided in division 3313  
(B) of section 4503.231 of the Revised Code. 3314

(5) Fines imposed under this section for a violation of 3315  
division (A) of this section shall be distributed as follows: 3316

(a) Twenty-five dollars of the fine imposed under division 3317  
(G)(1)(a)(iii), thirty-five dollars of the fine imposed under 3318  
division (G)(1)(b)(iii), one hundred twenty-three dollars of the 3319  
fine imposed under division (G)(1)(c)(iii), and two hundred ten 3320  
dollars of the fine imposed under division (G)(1)(d)(iii) or 3321  
(e)(iii) of this section shall be paid to an enforcement and 3322

education fund established by the legislative authority of the law 3323  
enforcement agency in this state that primarily was responsible 3324  
for the arrest of the offender, as determined by the court that 3325  
imposes the fine. The agency shall use this share to pay only 3326  
those costs it incurs in enforcing this section or a municipal OVI 3327  
ordinance and in informing the public of the laws governing the 3328  
operation of a vehicle while under the influence of alcohol, the 3329  
dangers of the operation of a vehicle under the influence of 3330  
alcohol, and other information relating to the operation of a 3331  
vehicle under the influence of alcohol and the consumption of 3332  
alcoholic beverages. 3333

(b) Fifty dollars of the fine imposed under division 3334  
(G)(1)(a)(iii) of this section shall be paid to the political 3335  
subdivision that pays the cost of housing the offender during the 3336  
offender's term of incarceration. If the offender is being 3337  
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 3338  
(e), or (j) of this section and was confined as a result of the 3339  
offense prior to being sentenced for the offense but is not 3340  
sentenced to a term of incarceration, the fifty dollars shall be 3341  
paid to the political subdivision that paid the cost of housing 3342  
the offender during that period of confinement. The political 3343  
subdivision shall use the share under this division to pay or 3344  
reimburse incarceration or treatment costs it incurs in housing or 3345  
providing drug and alcohol treatment to persons who violate this 3346  
section or a municipal OVI ordinance, costs of any immobilizing or 3347  
disabling device used on the offender's vehicle, and costs of 3348  
electronic house arrest equipment needed for persons who violate 3349  
this section. 3350

(c) Twenty-five dollars of the fine imposed under division 3351  
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 3352  
division (G)(1)(b)(iii) of this section shall be deposited into 3353  
the county or municipal indigent drivers' alcohol treatment fund 3354

under the control of that court, as created by the county or 3355  
municipal corporation under division ~~(N)~~(F) of section 4511.191 of 3356  
the Revised Code. 3357

(d) One hundred fifteen dollars of the fine imposed under 3358  
division (G)(1)(b)(iii), two hundred seventy-seven dollars of the 3359  
fine imposed under division (G)(1)(c)(iii), and four hundred forty 3360  
dollars of the fine imposed under division (G)(1)(d)(iii) or 3361  
(e)(iii) of this section shall be paid to the political 3362  
subdivision that pays the cost of housing the offender during the 3363  
offender's term of incarceration. The political subdivision shall 3364  
use this share to pay or reimburse incarceration or treatment 3365  
costs it incurs in housing or providing drug and alcohol treatment 3366  
to persons who violate this section or a municipal OVI ordinance, 3367  
costs for any immobilizing or disabling device used on the 3368  
offender's vehicle, and costs of electronic house arrest equipment 3369  
needed for persons who violate this section. 3370

(e) Fifty dollars of the fine imposed under (G)(1)(a)(iii), 3371  
(G)(1)(b)(iii), (G)(1)(c)(iii), (G)(1)(d)(iii), and (G)(1)(e)(iii) 3372  
of this section shall be deposited into the special projects fund 3373  
of the court in which the offender was convicted and that is 3374  
established under division (E)(1) of section 2303.201 or division 3375  
(B)(1) of section 1901.26 of the Revised Code, to be used 3376  
exclusively to cover the cost of immobilizing or disabling 3377  
devices, including certified ignition interlock devices, and 3378  
remote alcohol monitoring devices for indigent offenders who are 3379  
required by a judge to use either of these devices. If the county 3380  
or municipal corporation in which the offender was convicted does 3381  
not have a special projects fund that is established under 3382  
division (E)(1) of section 2303.201 or division (B)(1) of section 3383  
1901.26 of the Revised Code, the fifty dollars shall be deposited 3384  
into the indigent drivers interlock and alcohol monitoring fund 3385  
under division (I) of section 4511.191 of the Revised Code. 3386

~~(e)~~(f) Seventy-five dollars of the fine imposed under 3387  
division (G)(1)(a)(iii), one hundred twenty-five dollars of the 3388  
fine imposed under division (G)(1)(b)(iii), two hundred fifty 3389  
dollars of the fine imposed under division (G)(1)(c)(iii), and 3390  
five hundred dollars of the fine imposed under division 3391  
(G)(1)(d)(iii) or (e)(iii) of this section shall be transmitted to 3392  
the treasurer of state for deposit into the indigent defense 3393  
support fund established under section 120.08 of the Revised Code. 3394  
3395

~~(f)~~(g) The balance of the fine imposed under division 3396  
(G)(1)(a)(iii), (b)(iii), (c)(iii), (d)(iii), or (e)(iii) of this 3397  
section shall be disbursed as otherwise provided by law. 3398

(6) If title to a motor vehicle that is subject to an order 3399  
of criminal forfeiture under division (G)(1)(c), (d), or (e) of 3400  
this section is assigned or transferred and division (B)(2) or (3) 3401  
of section 4503.234 of the Revised Code applies, in addition to or 3402  
independent of any other penalty established by law, the court may 3403  
fine the offender the value of the vehicle as determined by 3404  
publications of the national auto dealers association. The 3405  
proceeds of any fine so imposed shall be distributed in accordance 3406  
with division (C)(2) of that section. 3407

(7) As used in division (G) of this section, "electronic 3408  
monitoring," "mandatory prison term," and "mandatory term of local 3409  
incarceration" have the same meanings as in section 2929.01 of the 3410  
Revised Code. 3411

(H) Whoever violates division (B) of this section is guilty 3412  
of operating a vehicle after underage alcohol consumption and 3413  
shall be punished as follows: 3414

(1) Except as otherwise provided in division (H)(2) of this 3415  
section, the offender is guilty of a misdemeanor of the fourth 3416  
degree. In addition to any other sanction imposed for the offense, 3417

the court shall impose a class six suspension of the offender's 3418  
driver's license, commercial driver's license, temporary 3419  
instruction permit, probationary license, or nonresident operating 3420  
privilege from the range specified in division (A)(6) of section 3421  
4510.02 of the Revised Code. 3422

(2) If, within one year of the offense, the offender 3423  
previously has been convicted of or pleaded guilty to one or more 3424  
violations of division (A) or (B) of this section or other 3425  
equivalent offenses, the offender is guilty of a misdemeanor of 3426  
the third degree. In addition to any other sanction imposed for 3427  
the offense, the court shall impose a class four suspension of the 3428  
offender's driver's license, commercial driver's license, 3429  
temporary instruction permit, probationary license, or nonresident 3430  
operating privilege from the range specified in division (A)(4) of 3431  
section 4510.02 of the Revised Code. 3432

(3) If the offender also is convicted of or also pleads 3433  
guilty to a specification of the type described in section 3434  
2941.1416 of the Revised Code and if the court imposes a jail term 3435  
for the violation of division (B) of this section, the court shall 3436  
impose upon the offender an additional definite jail term pursuant 3437  
to division (E) of section 2929.24 of the Revised Code. 3438

(I)(1) No court shall sentence an offender to an alcohol 3439  
treatment program under this section unless the treatment program 3440  
complies with the minimum standards for alcohol treatment programs 3441  
adopted under Chapter 3793. of the Revised Code by the director of 3442  
alcohol and drug addiction services. 3443

(2) An offender who stays in a drivers' intervention program 3444  
or in an alcohol treatment program under an order issued under 3445  
this section shall pay the cost of the stay in the program. 3446  
However, if the court determines that an offender who stays in an 3447  
alcohol treatment program under an order issued under this section 3448  
is unable to pay the cost of the stay in the program, the court 3449

may order that the cost be paid from the court's indigent drivers' alcohol treatment fund. 3450  
3451

(J) If a person whose driver's or commercial driver's license or permit or nonresident operating privilege is suspended under this section files an appeal regarding any aspect of the person's trial or sentence, the appeal itself does not stay the operation of the suspension. 3452  
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(K) Division (A)(1)(j) of this section does not apply to a person who operates a vehicle, streetcar, or trackless trolley while the person has a concentration of a listed controlled substance or a listed metabolite of a controlled substance in the person's whole blood, blood serum or plasma, or urine that equals or exceeds the amount specified in that division, if both of the following apply: 3457  
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3459  
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3463

(1) The person obtained the controlled substance pursuant to a prescription issued by a licensed health professional authorized to prescribe drugs. 3464  
3465  
3466

(2) The person injected, ingested, or inhaled the controlled substance in accordance with the health professional's directions. 3467  
3468

(L) The prohibited concentrations of a controlled substance or a metabolite of a controlled substance listed in division (A)(1)(j) of this section also apply in a prosecution of a violation of division (D) of section 2923.16 of the Revised Code in the same manner as if the offender is being prosecuted for a prohibited concentration of alcohol. 3469  
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(M) All terms defined in section 4510.01 of the Revised Code apply to this section. If the meaning of a term defined in section 4510.01 of the Revised Code conflicts with the meaning of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section. 3475  
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(N)(1) The Ohio Traffic Rules in effect on January 1, 2004, 3481  
as adopted by the supreme court under authority of section 2937.46 3482  
of the Revised Code, do not apply to felony violations of this 3483  
section. Subject to division (N)(2) of this section, the Rules of 3484  
Criminal Procedure apply to felony violations of this section. 3485

(2) If, on or after January 1, 2004, the supreme court 3486  
modifies the Ohio Traffic Rules to provide procedures to govern 3487  
felony violations of this section, the modified rules shall apply 3488  
to felony violations of this section. 3489

**Sec. 4511.191.** (A)(1) "Physical control" has the same meaning 3490  
as in section 4511.194 of the Revised Code. 3491

(2) Any person who operates a vehicle, streetcar, or 3492  
trackless trolley upon a highway or any public or private property 3493  
used by the public for vehicular travel or parking within this 3494  
state or who is in physical control of a vehicle, streetcar, or 3495  
trackless trolley shall be deemed to have given consent to a 3496  
chemical test or tests of the person's whole blood, blood serum or 3497  
plasma, breath, or urine to determine the alcohol, drug of abuse, 3498  
controlled substance, metabolite of a controlled substance, or 3499  
combination content of the person's whole blood, blood serum or 3500  
plasma, breath, or urine if arrested for a violation of division 3501  
(A) or (B) of section 4511.19 of the Revised Code, section 3502  
4511.194 of the Revised Code or a substantially equivalent 3503  
municipal ordinance, or a municipal OVI ordinance. 3504

(3) The chemical test or tests under division (A)(2) of this 3505  
section shall be administered at the request of a law enforcement 3506  
officer having reasonable grounds to believe the person was 3507  
operating or in physical control of a vehicle, streetcar, or 3508  
trackless trolley in violation of a division, section, or 3509  
ordinance identified in division (A)(2) of this section. The law 3510  
enforcement agency by which the officer is employed shall 3511

designate which of the tests shall be administered. 3512

(4) Any person who is dead or unconscious, or who otherwise 3513  
is in a condition rendering the person incapable of refusal, shall 3514  
be deemed to have consented as provided in division (A)(2) of this 3515  
section, and the test or tests may be administered, subject to 3516  
sections 313.12 to 313.16 of the Revised Code. 3517

(5)(a) If a law enforcement officer arrests a person for a 3518  
violation of division (A) or (B) of section 4511.19 of the Revised 3519  
Code, section 4511.194 of the Revised Code or a substantially 3520  
equivalent municipal ordinance, or a municipal OVI ordinance and 3521  
if the person if convicted would be required to be sentenced under 3522  
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 3523  
Code, the law enforcement officer shall request the person to 3524  
submit, and the person shall submit, to a chemical test or tests 3525  
of the person's whole blood, blood serum or plasma, breath, or 3526  
urine for the purpose of determining the alcohol, drug of abuse, 3527  
controlled substance, metabolite of a controlled substance, or 3528  
combination content of the person's whole blood, blood serum or 3529  
plasma, breath, or urine. A law enforcement officer who makes a 3530  
request pursuant to this division that a person submit to a 3531  
chemical test or tests shall advise the person at the time of the 3532  
arrest that if the person refuses to take a chemical test the 3533  
officer may employ whatever reasonable means are necessary to 3534  
ensure that the person submits to a chemical test of the person's 3535  
whole blood or blood serum or plasma. The officer shall also 3536  
advise the person at the time of the arrest that the person may 3537  
have an independent chemical test taken at the person's own 3538  
expense. Divisions (A)(3) and (4) of this section apply to the 3539  
administration of a chemical test or tests pursuant to this 3540  
division. 3541

(b) If a person refuses to submit to a chemical test upon a 3542  
request made pursuant to division (A)(5)(a) of this section, the 3543

law enforcement officer who made the request may employ whatever 3544  
reasonable means are necessary to ensure that the person submits 3545  
to a chemical test of the person's whole blood or blood serum or 3546  
plasma. A law enforcement officer who acts pursuant to this 3547  
division to ensure that a person submits to a chemical test of the 3548  
person's whole blood or blood serum or plasma is immune from 3549  
criminal and civil liability based upon a claim for assault and 3550  
battery or any other claim for the acts, unless the officer so 3551  
acted with malicious purpose, in bad faith, or in a wanton or 3552  
reckless manner. 3553

(B)(1) Upon receipt of the sworn report of a law enforcement 3554  
officer who arrested a person for a violation of division (A) or 3555  
(B) of section 4511.19 of the Revised Code, section 4511.194 of 3556  
the Revised Code or a substantially equivalent municipal 3557  
ordinance, or a municipal OVI ordinance that was completed and 3558  
sent to the registrar and a court pursuant to section 4511.192 of 3559  
the Revised Code in regard to a person who refused to take the 3560  
designated chemical test, the registrar shall enter into the 3561  
registrar's records the fact that the person's driver's or 3562  
commercial driver's license or permit or nonresident operating 3563  
privilege was suspended by the arresting officer under this 3564  
division and that section and the period of the suspension, as 3565  
determined under this section. The suspension shall be subject to 3566  
appeal as provided in section 4511.197 of the Revised Code. The 3567  
suspension shall be for whichever of the following periods 3568  
applies: 3569

(a) Except when division (B)(1)(b), (c), or (d) of this 3570  
section applies and specifies a different class or length of 3571  
suspension, the suspension shall be a class C suspension for the 3572  
period of time specified in division (B)(3) of section 4510.02 of 3573  
the Revised Code. 3574

(b) If the arrested person, within six years of the date on 3575

which the person refused the request to consent to the chemical 3576  
test, had refused one previous request to consent to a chemical 3577  
test or had been convicted of or pleaded guilty to one violation 3578  
of division (A) or (B) of section 4511.19 of the Revised Code or 3579  
one other equivalent offense, the suspension shall be a class B 3580  
suspension imposed for the period of time specified in division 3581  
(B)(2) of section 4510.02 of the Revised Code. 3582

(c) If the arrested person, within six years of the date on 3583  
which the person refused the request to consent to the chemical 3584  
test, had refused two previous requests to consent to a chemical 3585  
test, had been convicted of or pleaded guilty to two violations of 3586  
division (A) or (B) of section 4511.19 of the Revised Code or 3587  
other equivalent offenses, or had refused one previous request to 3588  
consent to a chemical test and also had been convicted of or 3589  
pleaded guilty to one violation of division (A) or (B) of section 3590  
4511.19 of the Revised Code or other equivalent offenses, which 3591  
violation or offense arose from an incident other than the 3592  
incident that led to the refusal, the suspension shall be a class 3593  
A suspension imposed for the period of time specified in division 3594  
(B)(1) of section 4510.02 of the Revised Code. 3595

(d) If the arrested person, within six years of the date on 3596  
which the person refused the request to consent to the chemical 3597  
test, had refused three or more previous requests to consent to a 3598  
chemical test, had been convicted of or pleaded guilty to three or 3599  
more violations of division (A) or (B) of section 4511.19 of the 3600  
Revised Code or other equivalent offenses, or had refused a number 3601  
of previous requests to consent to a chemical test and also had 3602  
been convicted of or pleaded guilty to a number of violations of 3603  
division (A) or (B) of section 4511.19 of the Revised Code or 3604  
other equivalent offenses that cumulatively total three or more 3605  
such refusals, convictions, and guilty pleas, the suspension shall 3606  
be for five years. 3607

(2) The registrar shall terminate a suspension of the driver's or commercial driver's license or permit of a resident or of the operating privilege of a nonresident, or a denial of a driver's or commercial driver's license or permit, imposed pursuant to division (B)(1) of this section upon receipt of notice that the person has entered a plea of guilty to, or that the person has been convicted after entering a plea of no contest to, operating a vehicle in violation of section 4511.19 of the Revised Code or in violation of a municipal OVI ordinance, if the offense for which the conviction is had or the plea is entered arose from the same incident that led to the suspension or denial.

The registrar shall credit against any judicial suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege imposed pursuant to section 4511.19 of the Revised Code, or pursuant to section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, any time during which the person serves a related suspension imposed pursuant to division (B)(1) of this section.

(C)(1) Upon receipt of the sworn report of the law enforcement officer who arrested a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or

permit or nonresident operating privilege was suspended by the 3640  
arresting officer under this division and section 4511.192 of the 3641  
Revised Code and the period of the suspension, as determined under 3642  
divisions ~~(F)~~(C)(1)(a) to ~~(4)~~(d) of this section. The suspension 3643  
shall be subject to appeal as provided in section 4511.197 of the 3644  
Revised Code. The suspension described in this division does not 3645  
apply to, and shall not be imposed upon, a person arrested for a 3646  
violation of section 4511.194 of the Revised Code or a 3647  
substantially equivalent municipal ordinance who submits to a 3648  
designated chemical test. The suspension shall be for whichever of 3649  
the following periods applies: 3650

(a) Except when division (C)(1)(b), (c), or (d) of this 3651  
section applies and specifies a different period, the suspension 3652  
shall be a class E suspension imposed for the period of time 3653  
specified in division (B)(5) of section 4510.02 of the Revised 3654  
Code. 3655

(b) The suspension shall be a class C suspension for the 3656  
period of time specified in division (B)(3) of section 4510.02 of 3657  
the Revised Code if the person has been convicted of or pleaded 3658  
guilty to, within six years of the date the test was conducted, 3659  
one violation of division (A) or (B) of section 4511.19 of the 3660  
Revised Code or one other equivalent offense. 3661

(c) If, within six years of the date the test was conducted, 3662  
the person has been convicted of or pleaded guilty to two 3663  
violations of a statute or ordinance described in division 3664  
(C)(1)(b) of this section, the suspension shall be a class B 3665  
suspension imposed for the period of time specified in division 3666  
(B)(2) of section 4510.02 of the Revised Code. 3667

(d) If, within six years of the date the test was conducted, 3668  
the person has been convicted of or pleaded guilty to more than 3669  
two violations of a statute or ordinance described in division 3670  
(C)(1)(b) of this section, the suspension shall be a class A 3671

suspension imposed for the period of time specified in division 3672  
(B)(1) of section 4510.02 of the Revised Code. 3673

(2) The registrar shall terminate a suspension of the 3674  
driver's or commercial driver's license or permit of a resident or 3675  
of the operating privilege of a nonresident, or a denial of a 3676  
driver's or commercial driver's license or permit, imposed 3677  
pursuant to division (C)(1) of this section upon receipt of notice 3678  
that the person has entered a plea of guilty to, or that the 3679  
person has been convicted after entering a plea of no contest to, 3680  
operating a vehicle in violation of section 4511.19 of the Revised 3681  
Code or in violation of a municipal OVI ordinance, if the offense 3682  
for which the conviction is had or the plea is entered arose from 3683  
the same incident that led to the suspension or denial. 3684

The registrar shall credit against any judicial suspension of 3685  
a person's driver's or commercial driver's license or permit or 3686  
nonresident operating privilege imposed pursuant to section 3687  
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 3688  
Revised Code for a violation of a municipal OVI ordinance, any 3689  
time during which the person serves a related suspension imposed 3690  
pursuant to division (C)(1) of this section. 3691

(D)(1) A suspension of a person's driver's or commercial 3692  
driver's license or permit or nonresident operating privilege 3693  
under this section for the time described in division (B) or (C) 3694  
of this section is effective immediately from the time at which 3695  
the arresting officer serves the notice of suspension upon the 3696  
arrested person. Any subsequent finding that the person is not 3697  
guilty of the charge that resulted in the person being requested 3698  
to take the chemical test or tests under division (A) of this 3699  
section does not affect the suspension. 3700

(2) If a person is arrested for operating a vehicle, 3701  
streetcar, or trackless trolley in violation of division (A) or 3702  
(B) of section 4511.19 of the Revised Code or a municipal OVI 3703

ordinance, or for being in physical control of a vehicle, 3704  
streetcar, or trackless trolley in violation of section 4511.194 3705  
of the Revised Code or a substantially equivalent municipal 3706  
ordinance, regardless of whether the person's driver's or 3707  
commercial driver's license or permit or nonresident operating 3708  
privilege is or is not suspended under division (B) or (C) of this 3709  
section or Chapter 4510. of the Revised Code, the person's initial 3710  
appearance on the charge resulting from the arrest shall be held 3711  
within five days of the person's arrest or the issuance of the 3712  
citation to the person, subject to any continuance granted by the 3713  
court pursuant to section 4511.197 of the Revised Code regarding 3714  
the issues specified in that division. 3715

(E) When it finally has been determined under the procedures 3716  
of this section and sections 4511.192 to 4511.197 of the Revised 3717  
Code that a nonresident's privilege to operate a vehicle within 3718  
this state has been suspended, the registrar shall give 3719  
information in writing of the action taken to the motor vehicle 3720  
administrator of the state of the person's residence and of any 3721  
state in which the person has a license. 3722

(F) At the end of a suspension period under this section, 3723  
under section 4511.194, section 4511.196, or division (G) of 3724  
section 4511.19 of the Revised Code, or under section 4510.07 of 3725  
the Revised Code for a violation of a municipal OVI ordinance and 3726  
upon the request of the person whose driver's or commercial 3727  
driver's license or permit was suspended and who is not otherwise 3728  
subject to suspension, cancellation, or disqualification, the 3729  
registrar shall return the driver's or commercial driver's license 3730  
or permit to the person upon the occurrence of all of the 3731  
conditions specified in divisions (F)(1) and (2) of this section: 3732

(1) A showing that the person has proof of financial 3733  
responsibility, a policy of liability insurance in effect that 3734  
meets the minimum standards set forth in section 4509.51 of the 3735

Revised Code, or proof, to the satisfaction of the registrar, that 3736  
the person is able to respond in damages in an amount at least 3737  
equal to the minimum amounts specified in section 4509.51 of the 3738  
Revised Code. 3739

(2) Subject to the limitation contained in division (F)(3) of 3740  
this section, payment by the person to the bureau of motor 3741  
vehicles of a license reinstatement fee of four hundred 3742  
~~twenty-five~~ seventy-five dollars, which fee shall be deposited in 3743  
the state treasury and credited as follows: 3744

(a) One hundred twelve dollars and fifty cents shall be 3745  
credited to the statewide treatment and prevention fund created by 3746  
section 4301.30 of the Revised Code. The fund shall be used to pay 3747  
the costs of driver treatment and intervention programs operated 3748  
pursuant to sections 3793.02 and 3793.10 of the Revised Code. The 3749  
director of alcohol and drug addiction services shall determine 3750  
the share of the fund that is to be allocated to alcohol and drug 3751  
addiction programs authorized by section 3793.02 of the Revised 3752  
Code, and the share of the fund that is to be allocated to 3753  
drivers' intervention programs authorized by section 3793.10 of 3754  
the Revised Code. 3755

(b) Seventy-five dollars shall be credited to the reparations 3756  
fund created by section 2743.191 of the Revised Code. 3757

(c) Thirty-seven dollars and fifty cents shall be credited to 3758  
the indigent drivers alcohol treatment fund, which is hereby 3759  
established. Except as otherwise provided in division (F)(2)(c) of 3760  
this section, moneys in the fund shall be distributed by the 3761  
department of alcohol and drug addiction services to the county 3762  
indigent drivers alcohol treatment funds, the county juvenile 3763  
indigent drivers alcohol treatment funds, and the municipal 3764  
indigent drivers alcohol treatment funds that are required to be 3765  
established by counties and municipal corporations pursuant to 3766  
this section, and shall be used only to pay the cost of an alcohol 3767

and drug addiction treatment program attended by an offender or 3768  
juvenile traffic offender who is ordered to attend an alcohol and 3769  
drug addiction treatment program by a county, juvenile, or 3770  
municipal court judge and who is determined by the county, 3771  
juvenile, or municipal court judge not to have the means to pay 3772  
for the person's attendance at the program or to pay the costs 3773  
specified in division (H)(4) of this section in accordance with 3774  
that division. In addition, a county, juvenile, or municipal court 3775  
judge may use moneys in the county indigent drivers alcohol 3776  
treatment fund, county juvenile indigent drivers alcohol treatment 3777  
fund, or municipal indigent drivers alcohol treatment fund to pay 3778  
for the cost of the continued use of an electronic continuous 3779  
alcohol monitoring device as described in divisions (H)(3) and (4) 3780  
of this section. Moneys in the fund that are not distributed to a 3781  
county indigent drivers alcohol treatment fund, a county juvenile 3782  
indigent drivers alcohol treatment fund, or a municipal indigent 3783  
drivers alcohol treatment fund under division (H) of this section 3784  
because the director of alcohol and drug addiction services does 3785  
not have the information necessary to identify the county or 3786  
municipal corporation where the offender or juvenile offender was 3787  
arrested may be transferred by the director of budget and 3788  
management to the statewide treatment and prevention fund created 3789  
by section 4301.30 of the Revised Code, upon certification of the 3790  
amount by the director of alcohol and drug addiction services. 3791

(d) Seventy-five dollars shall be credited to the Ohio 3792  
rehabilitation services commission established by section 3304.12 3793  
of the Revised Code, to the services for rehabilitation fund, 3794  
which is hereby established. The fund shall be used to match 3795  
available federal matching funds where appropriate, and for any 3796  
other purpose or program of the commission to rehabilitate people 3797  
with disabilities to help them become employed and independent. 3798

(e) Seventy-five dollars shall be deposited into the state 3799

treasury and credited to the drug abuse resistance education 3800  
programs fund, which is hereby established, to be used by the 3801  
attorney general for the purposes specified in division (F)(4) of 3802  
this section. 3803

(f) Thirty dollars shall be credited to the state bureau of 3804  
motor vehicles fund created by section 4501.25 of the Revised 3805  
Code. 3806

(g) Twenty dollars shall be credited to the trauma and 3807  
emergency medical services grants fund created by section 4513.263 3808  
of the Revised Code. 3809

(h) Fifty dollars shall be credited to the indigent drivers 3810  
interlock and alcohol monitoring fund, which is hereby established 3811  
in the state treasury. Monies in the fund shall be distributed by 3812  
the department of public safety to the county indigent drivers 3813  
interlock and alcohol monitoring funds, the county juvenile 3814  
indigent drivers interlock and alcohol monitoring funds, and the 3815  
municipal indigent drivers interlock and alcohol monitoring funds 3816  
that are required to be established by counties and municipal 3817  
corporations pursuant to this section, and shall be used only to 3818  
pay the cost of an immobilizing or disabling device, including a 3819  
certified ignition interlock device, or an alcohol monitoring 3820  
device used by an offender or juvenile offender who is ordered to 3821  
use the device by a county, juvenile, or municipal court judge and 3822  
who is determined by the county, juvenile, or municipal court 3823  
judge not to have the means to pay for the person's use of the 3824  
device. 3825

(3) If a person's driver's or commercial driver's license or 3826  
permit is suspended under this section, under section 4511.196 or 3827  
division (G) of section 4511.19 of the Revised Code, under section 3828  
4510.07 of the Revised Code for a violation of a municipal OVI 3829  
ordinance or under any combination of the suspensions described in 3830  
division (F)(3) of this section, and if the suspensions arise from 3831

a single incident or a single set of facts and circumstances, the 3832  
person is liable for payment of, and shall be required to pay to 3833  
the bureau, only one reinstatement fee of four hundred twenty-five 3834  
dollars. The reinstatement fee shall be distributed by the bureau 3835  
in accordance with division (F)(2) of this section. 3836

(4) The attorney general shall use amounts in the drug abuse 3837  
resistance education programs fund to award grants to law 3838  
enforcement agencies to establish and implement drug abuse 3839  
resistance education programs in public schools. Grants awarded to 3840  
a law enforcement agency under this section shall be used by the 3841  
agency to pay for not more than fifty per cent of the amount of 3842  
the salaries of law enforcement officers who conduct drug abuse 3843  
resistance education programs in public schools. The attorney 3844  
general shall not use more than six per cent of the amounts the 3845  
attorney general's office receives under division (F)(2)(e) of 3846  
this section to pay the costs it incurs in administering the grant 3847  
program established by division (F)(2)(e) of this section and in 3848  
providing training and materials relating to drug abuse resistance 3849  
education programs. 3850

The attorney general shall report to the governor and the 3851  
general assembly each fiscal year on the progress made in 3852  
establishing and implementing drug abuse resistance education 3853  
programs. These reports shall include an evaluation of the 3854  
effectiveness of these programs. 3855

(G) Suspension of a commercial driver's license under 3856  
division (B) or (C) of this section shall be concurrent with any 3857  
period of disqualification under section 3123.611 or 4506.16 of 3858  
the Revised Code or any period of suspension under section 3123.58 3859  
of the Revised Code. No person who is disqualified for life from 3860  
holding a commercial driver's license under section 4506.16 of the 3861  
Revised Code shall be issued a driver's license under Chapter 3862  
4507. of the Revised Code during the period for which the 3863

commercial driver's license was suspended under division (B) or 3864  
(C) of this section. No person whose commercial driver's license 3865  
is suspended under division (B) or (C) of this section shall be 3866  
issued a driver's license under Chapter 4507. of the Revised Code 3867  
during the period of the suspension. 3868

(H)(1) Each county shall establish an indigent drivers 3869  
alcohol treatment fund, each county shall establish a juvenile 3870  
indigent drivers alcohol treatment fund, and each municipal 3871  
corporation in which there is a municipal court shall establish an 3872  
indigent drivers alcohol treatment fund. All revenue that the 3873  
general assembly appropriates to the indigent drivers alcohol 3874  
treatment fund for transfer to a county indigent drivers alcohol 3875  
treatment fund, a county juvenile indigent drivers alcohol 3876  
treatment fund, or a municipal indigent drivers alcohol treatment 3877  
fund, all portions of fees that are paid under division (F) of 3878  
this section and that are credited under that division to the 3879  
indigent drivers alcohol treatment fund in the state treasury for 3880  
a county indigent drivers alcohol treatment fund, a county 3881  
juvenile indigent drivers alcohol treatment fund, or a municipal 3882  
indigent drivers alcohol treatment fund, and all portions of fines 3883  
that are specified for deposit into a county or municipal indigent 3884  
drivers alcohol treatment fund by section 4511.193 of the Revised 3885  
Code shall be deposited into that county indigent drivers alcohol 3886  
treatment fund, county juvenile indigent drivers alcohol treatment 3887  
fund, or municipal indigent drivers alcohol treatment fund in 3888  
accordance with division (H)(2) of this section. Additionally, all 3889  
portions of fines that are paid for a violation of section 4511.19 3890  
of the Revised Code or of any prohibition contained in Chapter 3891  
4510. of the Revised Code, and that are required under section 3892  
4511.19 or any provision of Chapter 4510. of the Revised Code to 3893  
be deposited into a county indigent drivers alcohol treatment fund 3894  
or municipal indigent drivers alcohol treatment fund shall be 3895  
deposited into the appropriate fund in accordance with the 3896

applicable division. 3897

(2) That portion of the license reinstatement fee that is 3898  
paid under division (F) of this section and that is credited under 3899  
that division to the indigent drivers alcohol treatment fund shall 3900  
be deposited into a county indigent drivers alcohol treatment 3901  
fund, a county juvenile indigent drivers alcohol treatment fund, 3902  
or a municipal indigent drivers alcohol treatment fund as follows: 3903

(a) If the suspension in question was imposed under this 3904  
section, that portion of the fee shall be deposited as follows: 3905

(i) If the fee is paid by a person who was charged in a 3906  
county court with the violation that resulted in the suspension, 3907  
the portion shall be deposited into the county indigent drivers 3908  
alcohol treatment fund under the control of that court; 3909

(ii) If the fee is paid by a person who was charged in a 3910  
juvenile court with the violation that resulted in the suspension, 3911  
the portion shall be deposited into the county juvenile indigent 3912  
drivers alcohol treatment fund established in the county served by 3913  
the court; 3914

(iii) If the fee is paid by a person who was charged in a 3915  
municipal court with the violation that resulted in the 3916  
suspension, the portion shall be deposited into the municipal 3917  
indigent drivers alcohol treatment fund under the control of that 3918  
court. 3919

(b) If the suspension in question was imposed under section 3920  
4511.19 of the Revised Code or under section 4510.07 of the 3921  
Revised Code for a violation of a municipal OVI ordinance, that 3922  
portion of the fee shall be deposited as follows: 3923

(i) If the fee is paid by a person whose license or permit 3924  
was suspended by a county court, the portion shall be deposited 3925  
into the county indigent drivers alcohol treatment fund under the 3926  
control of that court; 3927

(ii) If the fee is paid by a person whose license or permit was suspended by a municipal court, the portion shall be deposited into the municipal indigent drivers alcohol treatment fund under the control of that court.

(3) Expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund shall be made only upon the order of a county, juvenile, or municipal court judge and only for payment of the cost of an assessment or the cost of the attendance at an alcohol and drug addiction treatment program of a person who is convicted of, or found to be a juvenile traffic offender by reason of, a violation of division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend the alcohol and drug addiction treatment program, and who is determined by the court to be unable to pay the cost of the assessment or the cost of attendance at the treatment program or for payment of the costs specified in division (H)(4) of this section in accordance with that division. The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established pursuant to section 340.02 or 340.021 of the Revised Code and serving the alcohol, drug addiction, and mental health service district in which the court is located shall administer the indigent drivers alcohol treatment program of the court. When a court orders an offender or juvenile traffic offender to obtain an assessment or attend an alcohol and drug addiction treatment program, the board shall determine which program is suitable to meet the needs of the offender or juvenile traffic offender, and when a suitable program is located and space is available at the program, the offender or juvenile traffic offender shall attend the program designated by the board. A reasonable amount not to exceed five per cent of the amounts credited to and deposited into the county indigent drivers alcohol

treatment fund, the county juvenile indigent drivers alcohol 3961  
treatment fund, or the municipal indigent drivers alcohol 3962  
treatment fund serving every court whose program is administered 3963  
by that board shall be paid to the board to cover the costs it 3964  
incurs in administering those indigent drivers alcohol treatment 3965  
programs. 3966

In addition, upon exhaustion of moneys in the indigent 3967  
drivers interlock and alcohol monitoring fund for the use of an 3968  
alcohol monitoring device, a county, juvenile, or municipal court 3969  
judge may use moneys in the county indigent drivers alcohol 3970  
treatment fund, county juvenile indigent drivers alcohol treatment 3971  
fund, or municipal indigent drivers alcohol treatment fund to pay 3972  
for the continued use of an electronic continuous alcohol 3973  
monitoring device by an offender or juvenile traffic offender, in 3974  
conjunction with a treatment program approved by the department of 3975  
alcohol and drug addiction services, when such use is determined 3976  
clinically necessary by the treatment program and when the court 3977  
determines that the offender or juvenile traffic offender is 3978  
unable to pay all or part of the daily monitoring of the device. 3979  
3980

(4) If a county, juvenile, or municipal court determines, in 3981  
consultation with the alcohol and drug addiction services board or 3982  
the board of alcohol, drug addiction, and mental health services 3983  
established pursuant to section 340.02 or 340.021 of the Revised 3984  
Code and serving the alcohol, drug addiction, and mental health 3985  
district in which the court is located, that the funds in the 3986  
county indigent drivers alcohol treatment fund, the county 3987  
juvenile indigent drivers alcohol treatment fund, or the municipal 3988  
indigent drivers alcohol treatment fund under the control of the 3989  
court are more than sufficient to satisfy the purpose for which 3990  
the fund was established, as specified in divisions (H)(1) to (3) 3991  
of this section, the court may declare a surplus in the fund. If 3992

the court declares a surplus in the fund, the court may expend the amount of the surplus in the fund for:

(a) Alcohol and drug abuse assessment and treatment of persons who are charged in the court with committing a criminal offense or with being a delinquent child or juvenile traffic offender and in relation to whom both of the following apply:

(i) The court determines that substance abuse was a contributing factor leading to the criminal or delinquent activity or the juvenile traffic offense with which the person is charged.

(ii) The court determines that the person is unable to pay the cost of the alcohol and drug abuse assessment and treatment for which the surplus money will be used.

(b) All or part of the cost of purchasing electronic continuous alcohol monitoring devices to be used in conjunction with division (H)(3) of this section, upon exhaustion of moneys in the indigent drivers interlock and alcohol monitoring fund for the use of an alcohol monitoring device.

(5) For the purpose of determining as described in division (F)(2)(c) of this section whether an offender does not have the means to pay for the offender's attendance at an alcohol and drug addiction treatment program or whether an alleged offender or delinquent child is unable to pay the costs specified in division (H)(4) of this section, the court shall use the indigent client eligibility guidelines and the standards of indigency established by the state public defender to make the determination.

(6) The court shall identify and refer any alcohol and drug addiction program that is not certified under section 3793.06 of the Revised Code and that is interested in receiving amounts from the surplus in the fund declared under division (H)(4) of this section to the department of alcohol and drug addiction services in order for the program to become a certified alcohol and drug

treatment program. The department shall keep a record of applicant 4024  
referrals received pursuant to this division and shall submit a 4025  
report on the referrals each year to the general assembly. If a 4026  
program interested in becoming certified makes an application to 4027  
become certified pursuant to section 3793.06 of the Revised Code, 4028  
the program is eligible to receive surplus funds as long as the 4029  
application is pending with the department. The department of 4030  
alcohol and drug addiction services must offer technical 4031  
assistance to the applicant. If the interested program withdraws 4032  
the certification application, the department must notify the 4033  
court, and the court shall not provide the interested program with 4034  
any further surplus funds. 4035

(I)(1) Each county shall establish an indigent drivers 4036  
interlock and alcohol monitoring fund and a juvenile indigent 4037  
drivers interlock and alcohol treatment fund, and each municipal 4038  
corporation in which there is a municipal court shall establish an 4039  
indigent drivers interlock and alcohol monitoring fund. All 4040  
revenue that the general assembly appropriates to the indigent 4041  
drivers interlock and alcohol monitoring fund for transfer to a 4042  
county indigent drivers interlock and alcohol monitoring fund, a 4043  
county juvenile indigent drivers interlock and alcohol monitoring 4044  
fund, or a municipal indigent drivers interlock and alcohol 4045  
monitoring fund, all portions of license reinstatement fees that 4046  
are paid under division (F)(2) of this section and that are 4047  
credited under that division to the indigent drivers interlock and 4048  
alcohol monitoring fund in the state treasury, and all portions of 4049  
finer that are paid under division (G) of section 4511.19 of the 4050  
Revised Code and that are credited by division (G)(5)(e) of that 4051  
section to the indigent drivers interlock and alcohol monitoring 4052  
fund in the state treasury shall be deposited in the appropriate 4053  
fund in accordance with division (I)(2) of this section. 4054

(2) That portion of the license reinstatement fee that is 4055

paid under division (F) of this section and that portion of the 4056  
fine paid under division (G) of section 4511.19 of the Revised 4057  
Code and that is credited under either division to the indigent 4058  
drivers interlock and alcohol monitoring fund shall be deposited 4059  
into a county indigent drivers interlock and alcohol monitoring 4060  
fund, a county juvenile indigent drivers interlock and alcohol 4061  
monitoring fund, or a municipal indigent drivers interlock and 4062  
alcohol monitoring fund as follows: 4063

(a) If the fee or fine is paid by a person who was charged in 4064  
a county court with the violation that resulted in the suspension 4065  
or fine, the portion shall be deposited into the county indigent 4066  
drivers interlock and alcohol monitoring fund under the control of 4067  
that court. 4068

(b) If the fee or fine is paid by a person who was charged in 4069  
a juvenile court with the violation that resulted in the 4070  
suspension or fine, the portion shall be deposited into the county 4071  
juvenile indigent drivers interlock and alcohol monitoring fund 4072  
established in the county served by the court. 4073

(c) If the fee or fine is paid by a person who was charged in 4074  
a municipal court with the violation that resulted in the 4075  
suspension, the portion shall be deposited into the municipal 4076  
indigent drivers interlock and alcohol monitoring fund under the 4077  
control of that court. 4078

**Sec. 4511.192.** (A) The arresting law enforcement officer 4079  
shall give advice in accordance with this section to any person 4080  
under arrest for a violation of division (A) or (B) of section 4081  
4511.19 of the Revised Code, section 4511.194 of the Revised Code 4082  
or a substantially equivalent municipal ordinance, or a municipal 4083  
OVI ordinance. The officer shall give that advice in a written 4084  
form that contains the information described in division (B) of 4085  
this section and shall read the advice to the person. The form 4086

shall contain a statement that the form was shown to the person 4087  
under arrest and read to the person by the arresting officer. One 4088  
or more persons shall witness the arresting officer's reading of 4089  
the form, and the witnesses shall certify to this fact by signing 4090  
the form. The person must submit to the chemical test or tests, 4091  
subsequent to the request of the arresting officer, within two 4092  
hours of the time of the alleged violation and, if the person does 4093  
not submit to the test or tests within that two-hour time limit, 4094  
the failure to submit automatically constitutes a refusal to 4095  
submit to the test or tests. 4096

(B) If a person is under arrest as described in division (A) 4097  
of this section, before the person may be requested to submit to a 4098  
chemical test or tests to determine the alcohol, drug of abuse, 4099  
controlled substance, metabolite of a controlled substance, or 4100  
combination content of the person's whole blood, blood serum or 4101  
plasma, breath, or urine, the arresting officer shall read the 4102  
following form to the person: 4103

"You now are under arrest for (specifically state the offense 4104  
under state law or a substantially equivalent municipal ordinance 4105  
for which the person was arrested - operating a vehicle under the 4106  
influence of alcohol, a drug, or a combination of them; operating 4107  
a vehicle while under the influence of a listed controlled 4108  
substance or a listed metabolite of a controlled substance; 4109  
operating a vehicle after underage alcohol consumption; or having 4110  
physical control of a vehicle while under the influence). 4111

If you refuse to take any chemical test required by law, your 4112  
Ohio driving privileges will be suspended immediately, and you 4113  
will have to pay a fee to have the privileges reinstated. If you 4114  
have a prior conviction of OVI, OVUAC, or operating a vehicle 4115  
while under the influence of a listed controlled substance or a 4116  
listed metabolite of a controlled substance under state or 4117  
municipal law within the preceding twenty years, you now are under 4118

arrest for state OVI, and, if you refuse to take a chemical test, 4119  
you will face increased penalties if you subsequently are 4120  
convicted of the state OVI. 4121

(Read this part unless the person is under arrest for solely 4122  
having physical control of a vehicle while under the influence.) 4123  
If you take any chemical test required by law and are found to be 4124  
at or over the prohibited amount of alcohol, a controlled 4125  
substance, or a metabolite of a controlled substance in your whole 4126  
blood, blood serum or plasma, breath, or urine as set by law, your 4127  
Ohio driving privileges will be suspended immediately, and you 4128  
will have to pay a fee to have the privileges reinstated. 4129

If you take a chemical test, you may have an independent 4130  
chemical test taken at your own expense." 4131

(C) If the arresting law enforcement officer does not ask a 4132  
person under arrest as described in division (A) of this section 4133  
or division (A)(5) of section 4511.191 of the Revised Code to 4134  
submit to a chemical test or tests under section 4511.191 of the 4135  
Revised Code, the arresting officer shall seize the Ohio or 4136  
out-of-state driver's or commercial driver's license or permit of 4137  
the person and immediately forward it to the court in which the 4138  
arrested person is to appear on the charge. If the arrested person 4139  
is not in possession of the person's license or permit or it is 4140  
not in the person's vehicle, the officer shall order the person to 4141  
surrender it to the law enforcement agency that employs the 4142  
officer within twenty-four hours after the arrest, and, upon the 4143  
surrender, the agency immediately shall forward the license or 4144  
permit to the court in which the person is to appear on the 4145  
charge. Upon receipt of the license or permit, the court shall 4146  
retain it pending the arrested person's initial appearance and any 4147  
action taken under section 4511.196 of the Revised Code. 4148

(D)(1) If a law enforcement officer asks a person under 4149  
arrest as described in division (A)(5) of section 4511.191 of the 4150

Revised Code to submit to a chemical test or tests under that 4151  
section and the test results indicate a prohibited concentration 4152  
of alcohol, a controlled substance, or a metabolite of a 4153  
controlled substance in the person's whole blood, blood serum or 4154  
plasma, breath, or urine at the time of the alleged offense, or if 4155  
a law enforcement officer asks a person under arrest as described 4156  
in division (A) of this section to submit to a chemical test or 4157  
tests under section 4511.191 of the Revised Code, ~~if~~ the officer 4158  
advises the person in accordance with this section of the 4159  
consequences of the person's refusal or submission, and ~~if~~ either 4160  
the person refuses to submit to the test or tests or, unless the 4161  
arrest was for a violation of section 4511.194 of the Revised Code 4162  
or a substantially equivalent municipal ordinance, the person 4163  
submits to the test or tests and the test results indicate a 4164  
prohibited concentration of alcohol, a controlled substance, or a 4165  
metabolite of a controlled substance in the person's whole blood, 4166  
blood serum or plasma, breath, or urine at the time of the alleged 4167  
offense, the arresting officer shall do all of the following: 4168

(a) On behalf of the registrar of motor vehicles, notify the 4169  
person that, independent of any penalties or sanctions imposed 4170  
upon the person, the person's Ohio driver's or commercial driver's 4171  
license or permit or nonresident operating privilege is suspended 4172  
immediately, that the suspension will last at least until the 4173  
person's initial appearance on the charge, which will be held 4174  
within five days after the date of the person's arrest or the 4175  
issuance of a citation to the person, and that the person may 4176  
appeal the suspension at the initial appearance or during the 4177  
period of time ending thirty days after that initial appearance; 4178

(b) Seize the driver's or commercial driver's license or 4179  
permit of the person and immediately forward it to the registrar. 4180  
If the arrested person is not in possession of the person's 4181  
license or permit or it is not in the person's vehicle, the 4182

officer shall order the person to surrender it to the law 4183  
enforcement agency that employs the officer within twenty-four 4184  
hours after the person is given notice of the suspension, and, 4185  
upon the surrender, the officer's employing agency immediately 4186  
shall forward the license or permit to the registrar. 4187

(c) Verify the person's current residence and, if it differs 4188  
from that on the person's driver's or commercial driver's license 4189  
or permit, notify the registrar of the change; 4190

(d) Send to the registrar, within forty-eight hours after the 4191  
arrest of the person, a sworn report that includes all of the 4192  
following statements: 4193

(i) That the officer had reasonable grounds to believe that, 4194  
at the time of the arrest, the arrested person was operating a 4195  
vehicle, streetcar, or trackless trolley in violation of division 4196  
(A) or (B) of section 4511.19 of the Revised Code or a municipal 4197  
OVI ordinance or for being in physical control of a stationary 4198  
vehicle, streetcar, or trackless trolley in violation of section 4199  
4511.194 of the Revised Code or a substantially equivalent 4200  
municipal ordinance; 4201

(ii) That the person was arrested and charged with a 4202  
violation of division (A) or (B) of section 4511.19 of the Revised 4203  
Code, section 4511.194 of the Revised Code or a substantially 4204  
equivalent municipal ordinance, or a municipal OVI ordinance; 4205

(iii) ~~That~~ Unless division (D)(1)(d)(v) of this section 4206  
applies, that the officer asked the person to take the designated 4207  
chemical test or tests, advised the person in accordance with this 4208  
section of the consequences of submitting to, or refusing to take, 4209  
the test or tests, and gave the person the form described in 4210  
division (B) of this section; 4211

(iv) ~~That~~ Unless division (D)(1)(d)(v) of this section 4212  
applies, that either the person refused to submit to the chemical 4213

test or tests or, unless the arrest was for a violation of section 4214  
4511.194 of the Revised Code or a substantially equivalent 4215  
municipal ordinance, the person submitted to the chemical test or 4216  
tests and the test results indicate a prohibited concentration of 4217  
alcohol, a controlled substance, or a metabolite of a controlled 4218  
substance in the person's whole blood, blood serum or plasma, 4219  
breath, or urine at the time of the alleged offense; 4220

(v) If the person was under arrest as described in division 4221  
(A)(5) of section 4511.191 of the Revised Code and the chemical 4222  
test or tests were performed in accordance with that division, 4223  
that the person was under arrest as described in that division, 4224  
that the chemical test or tests were performed in accordance with 4225  
that division, and that test results indicated a prohibited 4226  
concentration of alcohol, a controlled substance, or a metabolite 4227  
of a controlled substance in the person's whole blood, blood serum 4228  
or plasma, breath, or urine at the time of the alleged offense. 4229

(2) Division (D)(1) of this section does not apply to a 4230  
person who is arrested for a violation of section 4511.194 of the 4231  
Revised Code or a substantially equivalent municipal ordinance, 4232  
who is asked by a law enforcement officer to submit to a chemical 4233  
test or tests under section 4511.191 of the Revised Code, and who 4234  
submits to the test or tests, regardless of the amount of alcohol, 4235  
a controlled substance, or a metabolite of a controlled substance 4236  
that the test results indicate is present in the person's whole 4237  
blood, blood serum or plasma, breath, or urine. 4238

(E) The arresting officer shall give the officer's sworn 4239  
report that is completed under this section to the arrested person 4240  
at the time of the arrest, or the registrar of motor vehicles 4241  
shall send the report to the person by regular first class mail as 4242  
soon as possible after receipt of the report, but not later than 4243  
fourteen days after receipt of it. An arresting officer may give 4244  
an unsworn report to the arrested person at the time of the arrest 4245

provided the report is complete when given to the arrested person 4246  
and subsequently is sworn to by the arresting officer. As soon as 4247  
possible, but not later than forty-eight hours after the arrest of 4248  
the person, the arresting officer shall send a copy of the sworn 4249  
report to the court in which the arrested person is to appear on 4250  
the charge for which the person was arrested. 4251

(F) The sworn report of an arresting officer completed under 4252  
this section is prima-facie proof of the information and 4253  
statements that it contains. It shall be admitted and considered 4254  
as prima-facie proof of the information and statements that it 4255  
contains in any appeal under section 4511.197 of the Revised Code 4256  
relative to any suspension of a person's driver's or commercial 4257  
driver's license or permit or nonresident operating privilege that 4258  
results from the arrest covered by the report. 4259

Sec. 4511.198. (A)(1) If a court grants limited driving 4260  
privilege to a person who is described in division (B) of this 4261  
section and who is alleged to have committed a violation of 4262  
division (A) of section 4511.19 of the Revised Code or of a 4263  
substantially equivalent municipal ordinance, the court as a 4264  
condition of granting limited driving privileges may prohibit the 4265  
person from consuming any beer or intoxicating liquor and may 4266  
require the person to wear a monitor that provides continuous 4267  
alcohol monitoring that is remote. If the court imposes the 4268  
requirement, the court shall require the person to wear the 4269  
monitor until the person is convicted of, pleads guilty to, or is 4270  
found not guilty of the alleged violation or the charges in the 4271  
case are dismissed. Any consumption by the person of beer or 4272  
intoxicating liquor prior to that time is grounds for revocation 4273  
by the court of the person's limited driving privilege. The person 4274  
shall pay all costs associated with the monitor, including the 4275  
cost of remote monitoring. 4276

(2) If a court grants limited driving privilege to a person 4277  
who is described in division (C) of this section and who is 4278  
alleged to have committed a violation of division (A) of section 4279  
4511.19 of the Revised Code or of a substantially equivalent 4280  
municipal ordinance, the court as a condition of granting limited 4281  
driving privileges, unless the court determines otherwise, shall 4282  
prohibit the person from consuming any beer or intoxicating liquor 4283  
and shall require the person to wear a monitor that provides 4284  
continuous alcohol monitoring that is remote. The court shall 4285  
require the person to wear the monitor until the person is 4286  
convicted of, pleads guilty to, or is found not guilty of the 4287  
alleged violation or the charges in the case are dismissed. Any 4288  
consumption by the person of beer or intoxicating liquor prior to 4289  
that time is grounds for revocation by the court of the person's 4290  
limited driving privilege. The person shall pay all costs 4291  
associated with the monitor, including the cost of remote 4292  
monitoring. 4293

(B) Division (A)(1) of this section applies to the following 4294  
persons: 4295

(1) A person who is alleged to have committed a violation of 4296  
division (A) of section 4511.19 of the Revised Code and who, if 4297  
convicted of the alleged violation, is required to be sentenced 4298  
under division (G)(1)(c) or (d) of section 4511.19 of the Revised 4299  
Code; 4300

(2) A person who is alleged to have committed a violation of 4301  
a municipal ordinance that is substantially equivalent to division 4302  
(A) of section 4511.19 of the Revised Code and who, if the law 4303  
enforcement officer who arrested and charged the person with the 4304  
violation of the municipal ordinance instead had charged the 4305  
person with a violation of division (A) of section 4511.19 of the 4306  
Revised Code, would be required to be sentenced under division 4307  
(G)(1)(c) or (d) of section 4511.19 of the Revised Code. 4308

(C) Division (A)(2) of this section applies to the following persons: 4309  
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(1) A person who is alleged to have committed a violation of division (A) of section 4511.19 of the Revised Code and who, if convicted of the alleged violation, is required to be sentenced under division (G)(1)(e) of section 4511.19 of the Revised Code; 4311  
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(2) A person who is alleged to have committed a violation of a municipal ordinance that is substantially equivalent to division (A) of section 4511.19 of the Revised Code and who, if the law enforcement officer who arrested and charged the person with the violation of the municipal ordinance instead had charged the person with a violation of division (A) of section 4511.19 of the Revised Code, would be required to be sentenced under division (G)(1)(e) of section 4511.19 of the Revised Code. 4315  
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**Sec. 4511.203.** (A) No person shall permit a motor vehicle owned by the person or under the person's control to be driven by another if any of the following apply: 4323  
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(1) The offender knows or has reasonable cause to believe that the other person does not have a valid driver's or commercial driver's license or permit or valid nonresident driving privileges. 4326  
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(2) The offender knows or has reasonable cause to believe that the other person's driver's or commercial driver's license or permit or nonresident operating privileges have been suspended or canceled under Chapter 4510. or any other provision of the Revised Code. 4330  
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(3) The offender knows or has reasonable cause to believe that the other person's act of driving the motor vehicle would violate any prohibition contained in Chapter 4509. of the Revised Code. 4335  
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(4) The offender knows or has reasonable cause to believe 4339  
that the other person's act of driving would violate section 4340  
4511.19 of the Revised Code or any substantially equivalent 4341  
municipal ordinance. 4342

(5) The offender knows or has reasonable cause to believe 4343  
that the vehicle is the subject of an immobilization waiver order 4344  
issued under section 4503.235 of the Revised Code and the other 4345  
person is prohibited from operating the vehicle under that order. 4346

(B) Without limiting or precluding the consideration of any 4347  
other evidence in determining whether a violation of division 4348  
(A)(1), (2), (3), ~~or~~ (4), or (5) of this section has occurred, it 4349  
shall be prima-facie evidence that the offender knows or has 4350  
reasonable cause to believe that the operator of the motor vehicle 4351  
owned by the offender or under the offender's control is in a 4352  
category described in division (A)(1), (2), (3), ~~or~~ (4), or (5) of 4353  
this section if any of the following applies: 4354

(1) Regarding an operator allegedly in the category described 4355  
in division (A)(1) ~~or~~, (3), or (5) of this section, the offender 4356  
and the operator of the motor vehicle reside in the same household 4357  
and are related by consanguinity or affinity. 4358

(2) Regarding an operator allegedly in the category described 4359  
in division (A)(2) of this section, the offender and the operator 4360  
of the motor vehicle reside in the same household, and the 4361  
offender knows or has reasonable cause to believe that the 4362  
operator has been charged with or convicted of any violation of 4363  
law or ordinance, or has committed any other act or omission, that 4364  
would or could result in the suspension or cancellation of the 4365  
operator's license, permit, or privilege. 4366

(3) Regarding an operator allegedly in the category described 4367  
in division (A)(4) of this section, the offender and the operator 4368  
of the motor vehicle occupied the motor vehicle together at the 4369

time of the offense. 4370

(C) Whoever violates this section is guilty of wrongful 4371  
entrustment of a motor vehicle, a misdemeanor of the first degree. 4372  
In addition to the penalties imposed under Chapter 2929. of the 4373  
Revised Code, the court shall impose a class seven suspension of 4374  
the offender's driver's license, commercial driver's license, 4375  
temporary instruction permit, probationary license, or nonresident 4376  
operating privilege from the range specified in division (A)(7) of 4377  
section 4510.02 of the Revised Code, and, if the vehicle involved 4378  
in the offense is registered in the name of the offender, the 4379  
court shall order one of the following: 4380

(1) Except as otherwise provided in division (C)(2) or (3) of 4381  
this section, the court shall order, for thirty days, the 4382  
immobilization of the vehicle involved in the offense and the 4383  
impoundment of that vehicle's license plates. The order shall be 4384  
issued and enforced under section 4503.233 of the Revised Code. 4385

(2) If the offender previously has been convicted of or 4386  
pleaded guilty to one violation of this section or a substantially 4387  
equivalent municipal ordinance, the court shall order, for sixty 4388  
days, the immobilization of the vehicle involved in the offense 4389  
and the impoundment of that vehicle's license plates. The order 4390  
shall be issued and enforced under section 4503.233 of the Revised 4391  
Code. 4392

(3) If the offender previously has been convicted of or 4393  
pleaded guilty to two or more violations of this section or a 4394  
substantially equivalent municipal ordinance, the court shall 4395  
order the criminal forfeiture to the state of the vehicle involved 4396  
in the offense. The order shall be issued and enforced under 4397  
section 4503.234 of the Revised Code. 4398

If title to a motor vehicle that is subject to an order for 4399  
criminal forfeiture under this division is assigned or transferred 4400

and division (B)(2) or (3) of section 4503.234 of the Revised Code 4401  
applies, in addition to or independent of any other penalty 4402  
established by law, the court may fine the offender the value of 4403  
the vehicle as determined by publications of the national auto 4404  
dealer's association. The proceeds from any fine imposed under 4405  
this division shall be distributed in accordance with division 4406  
(C)(2) of section 4503.234 of the Revised Code. 4407

(D) If a court orders the immobilization of a vehicle under 4408  
division (C) of this section, the court shall not release the 4409  
vehicle from the immobilization before the termination of the 4410  
period of immobilization ordered unless the court is presented 4411  
with current proof of financial responsibility with respect to 4412  
that vehicle. 4413

(E) If a court orders the criminal forfeiture of a vehicle 4414  
under division (C) of this section, upon receipt of the order from 4415  
the court, neither the registrar of motor vehicles nor any deputy 4416  
registrar shall accept any application for the registration or 4417  
transfer of registration of any motor vehicle owned or leased by 4418  
the person named in the order. The period of denial shall be five 4419  
years after the date the order is issued, unless, during that 4420  
five-year period, the court with jurisdiction of the offense that 4421  
resulted in the order terminates the forfeiture and notifies the 4422  
registrar of the termination. If the court terminates the 4423  
forfeiture and notifies the registrar, the registrar shall take 4424  
all necessary measures to permit the person to register a vehicle 4425  
owned or leased by the person or to transfer the registration of 4426  
the vehicle. 4427

(F) This section does not apply to motor vehicle rental 4428  
dealers or motor vehicle leasing dealers, as defined in section 4429  
4549.65 of the Revised Code. 4430

(G) Evidence of a conviction of, plea of guilty to, or 4431  
adjudication as a delinquent child for a violation of this section 4432

or a substantially similar municipal ordinance shall not be 4433  
admissible as evidence in any civil action that involves the 4434  
offender or delinquent child who is the subject of the conviction, 4435  
plea, or adjudication and that arises from the wrongful 4436  
entrustment of a motor vehicle. 4437

~~(H) As used in~~ For purposes of this section, a vehicle is 4438  
owned by a person if, at the time of a violation of this section, 4439  
the vehicle is registered in the person's name. 4440

Sec. 5502.10. (A) The department of public safety, not later 4441  
than ninety days after the effective date of this section, shall 4442  
do all of the following: 4443

(1) Establish and maintain a state registry, named "Ohio's 4444  
habitual OVI/OMWI offenders," that contains all of the information 4445  
specified in divisions (A)(1)(a) and (b) of this section regarding 4446  
any person who on or after the effective date of this section is 4447  
convicted in this state for the fifth or subsequent time in the 4448  
preceding twenty years of an OVI/OMWI violation. The state 4449  
registry is a public record open for inspection under section 4450  
149.43 of the Revised Code. The department shall obtain the 4451  
information to be included in the state registry from the reports 4452  
provided by the court pursuant to division (B) of this section. 4453  
The state registry of Ohio's habitual OVI/OMWI offenders shall 4454  
include at least the following information regarding each offender 4455  
who on or after the effective date of this section is convicted in 4456  
this state for the fifth or subsequent time in the preceding 4457  
twenty years of an OVI/OMWI violation: 4458

(a) The offender's name, date of birth, and residence 4459  
address, including, but not limited to, the street address, 4460  
municipal corporation or township, county, and zip code of the 4461  
person's place of residence; 4462

(b) The number of times within the preceding twenty years 4463

that the offender has been convicted in this state for an OVI/OMWI violation and the date of each of those convictions. 4464  
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(2) Establish and operate on the internet a database that contains for each person who on or after the effective date of this section is convicted in this state for the fifth or subsequent time in the preceding twenty years of an OVI/OMWI violation all of the information regarding the offender that is included in the state registry of Ohio's habitual OVI/OMWI offenders that is established and maintained under division (A)(1) of this section. The database is a public record open for inspection under section 149.43 of the Revised Code, and it shall be searchable by an offender's name, by county, and by zip code. 4466  
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(B) A court that convicts a person for an OVI/OMWI violation shall send to the department of public safety, within thirty days after the conviction of the offender the information specified in divisions (A)(1)(a) and (b) of this section. 4476  
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(C) The department of public safety shall update the state registry of Ohio's habitual OVI/OMWI offenders required under division (A)(1) of this section and the database required under division (A)(2) of this section every month to ensure that the information they contain is accurate and current. 4480  
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(D) As used in this section: 4485

(1) "Equivalent offense" and "municipal OVI ordinance" have the same meanings as in section 4511.181 of the Revised Code. 4486  
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(2) "OVI/OMWI violation" means any of the following: 4488

(a) A violation of division (A) or (B) of section 4511.19 of the Revised Code or a violation of a municipal OVI ordinance; 4489  
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(b) A violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance; 4491  
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(c) A violation of division (A) or (B) of section 1547.11 of 4493

the Revised Code or a violation of a municipal ordinance, law of 4494  
another state, or law of the United States that is substantially 4495  
equivalent to division (A) or (B) of section 1547.11 of the 4496  
Revised Code; 4497

(d) Any equivalent offense not listed in divisions (D)(2)(a) 4498  
to (c) of this section. 4499

**Section 2.** That existing sections 1547.11, 1547.111, 1547.99, 4500  
2929.18, 2929.28, 2945.75, 4503.231, 4503.233, 4510.13, 4510.43, 4501  
4511.181, 4511.19, 4511.191, 4511.192, and 4511.203 of the Revised 4502  
Code are hereby repealed. 4503

**Section 3.** Section 2929.18 of the Revised Code is presented 4504  
in this act as a composite of the section as amended by both Sub. 4505  
H.B. 241 and Am. Sub. H.B. 461 of the 126th General Assembly. 4506  
Section 4503.233 of the Revised Code is presented in this act as a 4507  
composite of the section as amended by both Sub. H.B. 241 and Am. 4508  
Sub. H.B. 461 of the 126th General Assembly. The General Assembly, 4509  
applying the principle stated in division (B) of section 1.52 of 4510  
the Revised Code that amendments are to be harmonized if 4511  
reasonably capable of simultaneous operation, finds that the 4512  
composite is the resulting version of the section in effect prior 4513  
to the effective date of the section as presented in this act. 4514  
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