

As Introduced

131st General Assembly

Regular Session

2015-2016

H. B. No. 388

Representative Scherer

A BILL

To amend sections 1547.99, 1905.01, 2903.06, 1
2903.08, 2929.142, 3327.10, 4510.13, 4510.17, 2
4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 3
4511.191, 4511.193, and 4511.195 and to enact 4
sections 4510.022 and 4511.199 of the Revised 5
Code to authorize a court to grant unlimited 6
driving privileges with an ignition interlock 7
device to first-time OVI offenders, to expand 8
the penalties related to ignition interlock 9
device violations, to modify the law governing 10
the installation and monitoring of ignition 11
interlock devices, to extend the look back 12
period for OVI and OVI-related offenses from six 13
to ten years, and to modify the penalties for 14
OVI offenses. 15

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

Section 1. That sections 1547.99, 1905.01, 2903.06, 16
2903.08, 2929.142, 3327.10, 4510.13, 4510.17, 4510.43, 4510.44, 17
4510.45, 4510.46, 4511.19, 4511.191, 4511.193, and 4511.195 be 18
amended and sections 4510.022 and 4511.199 of the Revised Code 19
be enacted to read as follows: 20

Sec. 1547.99. (A) Whoever violates section 1547.91 of the Revised Code is guilty of a felony of the fourth degree. 21
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(B) Whoever violates division (F) of section 1547.08, section 1547.10, division (I) of section 1547.111, section 1547.13, or section 1547.66 of the Revised Code is guilty of a misdemeanor of the first degree. 23
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(C) Whoever violates a provision of this chapter or a rule adopted thereunder, for which no penalty is otherwise provided, is guilty of a minor misdemeanor. 27
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(D) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code without causing injury to persons or damage to property is guilty of a misdemeanor of the fourth degree. 30
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(E) Whoever violates section 1547.07, 1547.132, or 1547.12 of the Revised Code causing injury to persons or damage to property is guilty of a misdemeanor of the third degree. 33
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(F) Whoever violates division (N) of section 1547.54, division (G) of section 1547.30, or section 1547.131, 1547.25, 1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 of the Revised Code or a rule adopted under division (A) (2) of section 1547.52 of the Revised Code is guilty of a misdemeanor of the fourth degree. 36
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(G) Whoever violates section 1547.11 of the Revised Code is guilty of a misdemeanor of the first degree and shall be punished as provided in division (G) (1), (2), or (3) of this section. 42
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(1) Except as otherwise provided in division (G) (2) or (3) of this section, the court shall sentence the offender to a jail term of three consecutive days and may sentence the offender pursuant to section 2929.24 of the Revised Code to a longer jail 46
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term. In addition, the court shall impose upon the offender a 50
fine of not less than one hundred fifty nor more than one 51
thousand dollars. 52

The court may suspend the execution of the mandatory jail 53
term of three consecutive days that it is required to impose by 54
division (G)(1) of this section if the court, in lieu of the 55
suspended jail term, places the offender under a community 56
control sanction pursuant to section 2929.25 of the Revised Code 57
and requires the offender to attend, for three consecutive days, 58
a drivers' intervention program that is certified pursuant to 59
section 5119.38 of the Revised Code. The court also may suspend 60
the execution of any part of the mandatory jail term of three 61
consecutive days that it is required to impose by division (G) 62
(1) of this section if the court places the offender under a 63
community control sanction pursuant to section 2929.25 of the 64
Revised Code for part of the three consecutive days; requires 65
the offender to attend, for that part of the three consecutive 66
days, a drivers' intervention program that is certified pursuant 67
to section 5119.38 of the Revised Code; and sentences the 68
offender to a jail term equal to the remainder of the three 69
consecutive days that the offender does not spend attending the 70
drivers' intervention program. The court may require the 71
offender, as a condition of community control, to attend and 72
satisfactorily complete any treatment or education programs, in 73
addition to the required attendance at a drivers' intervention 74
program, that the operators of the drivers' intervention program 75
determine that the offender should attend and to report 76
periodically to the court on the offender's progress in the 77
programs. The court also may impose any other conditions of 78
community control on the offender that it considers necessary. 79

(2) If, within ~~six~~ ten years of the offense, the offender 80

has been convicted of or pleaded guilty to one violation of 81
section 1547.11 of the Revised Code or one other equivalent 82
offense, the court shall sentence the offender to a jail term of 83
ten consecutive days and may sentence the offender pursuant to 84
section 2929.24 of the Revised Code to a longer jail term. In 85
addition, the court shall impose upon the offender a fine of not 86
less than one hundred fifty nor more than one thousand dollars. 87

In addition to any other sentence that it imposes upon the 88
offender, the court may require the offender to attend a 89
drivers' intervention program that is certified pursuant to 90
section 5119.38 of the Revised Code. 91

(3) If, within ~~six~~ten years of the offense, the offender 92
has been convicted of or pleaded guilty to more than one 93
violation or offense identified in division (G)(2) of this 94
section, the court shall sentence the offender to a jail term of 95
thirty consecutive days and may sentence the offender to a 96
longer jail term of not more than one year. In addition, the 97
court shall impose upon the offender a fine of not less than one 98
hundred fifty nor more than one thousand dollars. 99

In addition to any other sentence that it imposes upon the 100
offender, the court may require the offender to attend a 101
drivers' intervention program that is certified pursuant to 102
section 5119.38 of the Revised Code. 103

(4) Upon a showing that serving a jail term would 104
seriously affect the ability of an offender sentenced pursuant 105
to division (G)(1), (2), or (3) of this section to continue the 106
offender's employment, the court may authorize that the offender 107
be granted work release after the offender has served the 108
mandatory jail term of three, ten, or thirty consecutive days 109
that the court is required by division (G)(1), (2), or (3) of 110

this section to impose. No court shall authorize work release 111
during the mandatory jail term of three, ten, or thirty 112
consecutive days that the court is required by division (G) (1), 113
(2), or (3) of this section to impose. The duration of the work 114
release shall not exceed the time necessary each day for the 115
offender to commute to and from the place of employment and the 116
place in which the jail term is served and the time actually 117
spent under employment. 118

(5) Notwithstanding any section of the Revised Code that 119
authorizes the suspension of the imposition or execution of a 120
sentence or the placement of an offender in any treatment 121
program in lieu of being imprisoned or serving a jail term, no 122
court shall suspend the mandatory jail term of ten or thirty 123
consecutive days required to be imposed by division (G) (2) or 124
(3) of this section or place an offender who is sentenced 125
pursuant to division (G) (2) or (3) of this section in any 126
treatment program in lieu of being imprisoned or serving a jail 127
term until after the offender has served the mandatory jail term 128
of ten or thirty consecutive days required to be imposed 129
pursuant to division (G) (2) or (3) of this section. 130
Notwithstanding any section of the Revised Code that authorizes 131
the suspension of the imposition or execution of a sentence or 132
the placement of an offender in any treatment program in lieu of 133
being imprisoned or serving a jail term, no court, except as 134
specifically authorized by division (G) (1) of this section, 135
shall suspend the mandatory jail term of three consecutive days 136
required to be imposed by division (G) (1) of this section or 137
place an offender who is sentenced pursuant to division (G) (1) 138
of this section in any treatment program in lieu of imprisonment 139
until after the offender has served the mandatory jail term of 140
three consecutive days required to be imposed pursuant to 141

division (G) (1) of this section.	142
(6) As used in division (G) of this section:	143
(a) "Equivalent offense" has the same meaning as in section 4511.181 of the Revised Code.	144
(b) "Jail term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	146
(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.	148
(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor.	155
(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.	157
(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.	161
(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more	167

than ten horsepower and that, in the opinion of the court, 170
involves a threat to the safety of persons or property, shall 171
order the offender to complete successfully a boating course 172
approved by the national association of state boating law 173
administrators before the offender is allowed to operate a 174
powercraft powered by more than ten horsepower on the waters in 175
this state. Violation of a court order entered under this 176
division is punishable as contempt under Chapter 2705. of the 177
Revised Code. 178

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 179
Gilead in Morrow county, in any municipal corporation located 180
entirely on an island in Lake Erie, and in all other municipal 181
corporations having a population of more than two hundred, other 182
than Batavia in Clermont county, not being the site of a 183
municipal court nor a place where a judge of the Auglaize 184
county, Crawford county, Jackson county, Miami county, 185
Montgomery county, Portage county, or Wayne county municipal 186
court sits as required pursuant to section 1901.021 of the 187
Revised Code or by designation of the judges pursuant to section 188
1901.021 of the Revised Code, the mayor of the municipal 189
corporation has jurisdiction, except as provided in divisions 190
(B), (C), and (E) of this section and subject to the limitation 191
contained in section 1905.03 and the limitation contained in 192
section 1905.031 of the Revised Code, to hear and determine any 193
prosecution for the violation of an ordinance of the municipal 194
corporation, to hear and determine any case involving a 195
violation of a vehicle parking or standing ordinance of the 196
municipal corporation unless the violation is required to be 197
handled by a parking violations bureau or joint parking 198
violations bureau pursuant to Chapter 4521. of the Revised Code, 199
and to hear and determine all criminal causes involving any 200

moving traffic violation occurring on a state highway located 201
within the boundaries of the municipal corporation, subject to 202
the limitations of sections 2937.08 and 2938.04 of the Revised 203
Code. 204

(B) (1) In Georgetown in Brown county, in Mount Gilead in 205
Morrow county, in any municipal corporation located entirely on 206
an island in Lake Erie, and in all other municipal corporations 207
having a population of more than two hundred, other than Batavia 208
in Clermont county, not being the site of a municipal court nor 209
a place where a judge of a court listed in division (A) of this 210
section sits as required pursuant to section 1901.021 of the 211
Revised Code or by designation of the judges pursuant to section 212
1901.021 of the Revised Code, the mayor of the municipal 213
corporation has jurisdiction, subject to the limitation 214
contained in section 1905.03 of the Revised Code, to hear and 215
determine prosecutions involving a violation of an ordinance of 216
the municipal corporation relating to operating a vehicle while 217
under the influence of alcohol, a drug of abuse, or a 218
combination of them or relating to operating a vehicle with a 219
prohibited concentration of alcohol, a controlled substance, or 220
a metabolite of a controlled substance in the whole blood, blood 221
serum or plasma, breath, or urine, and to hear and determine 222
criminal causes involving a violation of section 4511.19 of the 223
Revised Code that occur on a state highway located within the 224
boundaries of the municipal corporation, subject to the 225
limitations of sections 2937.08 and 2938.04 of the Revised Code, 226
only if the person charged with the violation, within ~~six~~-ten 227
years of the date of the violation charged, has not been 228
convicted of or pleaded guilty to any of the following: 229

(a) A violation of an ordinance of any municipal 230
corporation relating to operating a vehicle while under the 231

influence of alcohol, a drug of abuse, or a combination of them	232
or relating to operating a vehicle with a prohibited	233
concentration of alcohol, a controlled substance, or a	234
metabolite of a controlled substance in the whole blood, blood	235
serum or plasma, breath, or urine;	236
(b) A violation of section 4511.19 of the Revised Code;	237
(c) A violation of any ordinance of any municipal	238
corporation or of any section of the Revised Code that regulates	239
the operation of vehicles, streetcars, and trackless trolleys	240
upon the highways or streets, to which all of the following	241
apply:	242
(i) The person, in the case in which the conviction was	243
obtained or the plea of guilty was entered, had been charged	244
with a violation of an ordinance of a type described in division	245
(B) (1) (a) of this section, or with a violation of section	246
4511.19 of the Revised Code;	247
(ii) The charge of the violation described in division (B)	248
(1) (c) (i) of this section was dismissed or reduced;	249
(iii) The violation of which the person was convicted or	250
to which the person pleaded guilty arose out of the same facts	251
and circumstances and the same act as did the charge that was	252
dismissed or reduced.	253
(d) A violation of a statute of the United States or of	254
any other state or a municipal ordinance of a municipal	255
corporation located in any other state that is substantially	256
similar to section 4511.19 of the Revised Code.	257
(2) The mayor of a municipal corporation does not have	258
jurisdiction to hear and determine any prosecution or criminal	259
cause involving a violation described in division (B) (1) (a) or	260

(b) of this section, regardless of where the violation occurred, 261
if the person charged with the violation, within ~~six~~-ten years 262
of the violation charged, has been convicted of or pleaded 263
guilty to any violation listed in division (B)(1)(a), (b), (c), 264
or (d) of this section. 265

If the mayor of a municipal corporation, in hearing a 266
prosecution involving a violation of an ordinance of the 267
municipal corporation the mayor serves relating to operating a 268
vehicle while under the influence of alcohol, a drug of abuse, 269
or a combination of them or relating to operating a vehicle with 270
a prohibited concentration of alcohol, a controlled substance, 271
or a metabolite of a controlled substance in the whole blood, 272
blood serum or plasma, breath, or urine, or in hearing a 273
criminal cause involving a violation of section 4511.19 of the 274
Revised Code, determines that the person charged, within ~~six~~-ten 275
years of the violation charged, has been convicted of or pleaded 276
guilty to any violation listed in division (B)(1)(a), (b), (c), 277
or (d) of this section, the mayor immediately shall transfer the 278
case to the county court or municipal court with jurisdiction 279
over the violation charged, in accordance with section 1905.032 280
of the Revised Code. 281

(C)(1) In Georgetown in Brown county, in Mount Gilead in 282
Morrow county, in any municipal corporation located entirely on 283
an island in Lake Erie, and in all other municipal corporations 284
having a population of more than two hundred, other than Batavia 285
in Clermont county, not being the site of a municipal court and 286
not being a place where a judge of a court listed in division 287
(A) of this section sits as required pursuant to section 288
1901.021 of the Revised Code or by designation of the judges 289
pursuant to section 1901.021 of the Revised Code, the mayor of 290
the municipal corporation, subject to sections 1901.031, 291

2937.08, and 2938.04 of the Revised Code, has jurisdiction to 292
hear and determine prosecutions involving a violation of a 293
municipal ordinance that is substantially equivalent to division 294
(A) of section 4510.14 or section 4510.16 of the Revised Code 295
and to hear and determine criminal causes that involve a moving 296
traffic violation, that involve a violation of division (A) of 297
section 4510.14 or section 4510.16 of the Revised Code, and that 298
occur on a state highway located within the boundaries of the 299
municipal corporation only if all of the following apply 300
regarding the violation and the person charged: 301

(a) Regarding a violation of section 4510.16 of the 302
Revised Code or a violation of a municipal ordinance that is 303
substantially equivalent to that division, the person charged 304
with the violation, within six years of the date of the 305
violation charged, has not been convicted of or pleaded guilty 306
to any of the following: 307

(i) A violation of section 4510.16 of the Revised Code; 308

(ii) A violation of a municipal ordinance that is 309
substantially equivalent to section 4510.16 of the Revised Code; 310

(iii) A violation of any municipal ordinance or section of 311
the Revised Code that regulates the operation of vehicles, 312
streetcars, and trackless trolleys upon the highways or streets, 313
in a case in which, after a charge against the person of a 314
violation of a type described in division (C) (1) (a) (i) or (ii) 315
of this section was dismissed or reduced, the person is 316
convicted of or pleads guilty to a violation that arose out of 317
the same facts and circumstances and the same act as did the 318
charge that was dismissed or reduced. 319

(b) Regarding a violation of division (A) of section 320

4510.14 of the Revised Code or a violation of a municipal ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

(i) A violation of division (A) of section 4510.14 of the Revised Code;

(ii) A violation of a municipal ordinance that is substantially equivalent to division (A) of section 4510.14 of the Revised Code;

(iii) A violation of any municipal ordinance or section of the Revised Code that regulates the operation of vehicles, streetcars, and trackless trolleys upon the highways or streets in a case in which, after a charge against the person of a violation of a type described in division (C) (1) (b) (i) or (ii) of this section was dismissed or reduced, the person is convicted of or pleads guilty to a violation that arose out of the same facts and circumstances and the same act as did the charge that was dismissed or reduced.

(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C) (1) (a) (i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been convicted of or pleaded guilty to any violation listed in division (C) (1) (a) (i), (ii), or (iii) of this section and does not have jurisdiction to hear and determine any prosecution or criminal cause involving a violation described in division (C) (1) (b) (i) or (ii) of this section if the person charged with the violation, within six years of the violation charged, has been

convicted of or pleaded guilty to any violation listed in 351
division (C) (1) (b) (i), (ii), or (iii) of this section. 352

(3) If the mayor of a municipal corporation, in hearing a 353
prosecution involving a violation of an ordinance of the 354
municipal corporation the mayor serves that is substantially 355
equivalent to division (A) of section 4510.14 or section 4510.16 356
of the Revised Code or a violation of division (A) of section 357
4510.14 or section 4510.16 of the Revised Code, determines that, 358
under division (C) (2) of this section, mayors do not have 359
jurisdiction of the prosecution, the mayor immediately shall 360
transfer the case to the county court or municipal court with 361
jurisdiction over the violation in accordance with section 362
1905.032 of the Revised Code. 363

(D) If the mayor of a municipal corporation has 364
jurisdiction pursuant to division (B) (1) of this section to hear 365
and determine a prosecution or criminal cause involving a 366
violation described in division (B) (1) (a) or (b) of this 367
section, the authority of the mayor to hear or determine the 368
prosecution or cause is subject to the limitation contained in 369
division (C) of section 1905.03 of the Revised Code. If the 370
mayor of a municipal corporation has jurisdiction pursuant to 371
division (A) or (C) of this section to hear and determine a 372
prosecution or criminal cause involving a violation other than a 373
violation described in division (B) (1) (a) or (b) of this 374
section, the authority of the mayor to hear or determine the 375
prosecution or cause is subject to the limitation contained in 376
division (C) of section 1905.031 of the Revised Code. 377

(E) (1) The mayor of a municipal corporation does not have 378
jurisdiction to hear and determine any prosecution or criminal 379
cause involving any of the following: 380

(a) A violation of section 2919.25 or 2919.27 of the Revised Code;	381 382
(b) A violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code that involves a person who was a family or household member of the defendant at the time of the violation;	383 384 385 386
(c) A violation of a municipal ordinance that is substantially equivalent to an offense described in division (E) (1) (a) or (b) of this section and that involves a person who was a family or household member of the defendant at the time of the violation.	387 388 389 390 391
(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine a motion filed pursuant to section 2919.26 of the Revised Code or filed pursuant to a municipal ordinance that is substantially equivalent to that section or to issue a protection order pursuant to that section or a substantially equivalent municipal ordinance.	392 393 394 395 396 397
(3) As used in this section, "family or household member" has the same meaning as in section 2919.25 of the Revised Code.	398 399
(F) In keeping a docket and files, the mayor, and a mayor's court magistrate appointed under section 1905.05 of the Revised Code, shall be governed by the laws pertaining to county courts.	400 401 402 403
Sec. 2903.06. (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:	404 405 406 407 408
(1) (a) As the proximate result of committing a violation	409

of division (A) of section 4511.19 of the Revised Code or of a 410
substantially equivalent municipal ordinance; 411

(b) As the proximate result of committing a violation of 412
division (A) of section 1547.11 of the Revised Code or of a 413
substantially equivalent municipal ordinance; 414

(c) As the proximate result of committing a violation of 415
division (A) (3) of section 4561.15 of the Revised Code or of a 416
substantially equivalent municipal ordinance. 417

(2) In one of the following ways: 418

(a) Recklessly; 419

(b) As the proximate result of committing, while operating 420
or participating in the operation of a motor vehicle or 421
motorcycle in a construction zone, a reckless operation offense, 422
provided that this division applies only if the person whose 423
death is caused or whose pregnancy is unlawfully terminated is 424
in the construction zone at the time of the offender's 425
commission of the reckless operation offense in the construction 426
zone and does not apply as described in division (F) of this 427
section. 428

(3) In one of the following ways: 429

(a) Negligently; 430

(b) As the proximate result of committing, while operating 431
or participating in the operation of a motor vehicle or 432
motorcycle in a construction zone, a speeding offense, provided 433
that this division applies only if the person whose death is 434
caused or whose pregnancy is unlawfully terminated is in the 435
construction zone at the time of the offender's commission of 436
the speeding offense in the construction zone and does not apply 437

as described in division (F) of this section. 438

(4) As the proximate result of committing a violation of 439
any provision of any section contained in Title XLV of the 440
Revised Code that is a minor misdemeanor or of a municipal 441
ordinance that, regardless of the penalty set by ordinance for 442
the violation, is substantially equivalent to any provision of 443
any section contained in Title XLV of the Revised Code that is a 444
minor misdemeanor. 445

(B) (1) Whoever violates division (A) (1) or (2) of this 446
section is guilty of aggravated vehicular homicide and shall be 447
punished as provided in divisions (B) (2) and (3) of this 448
section. 449

(2) (a) Except as otherwise provided in division (B) (2) (b) 450
or (c) of this section, aggravated vehicular homicide committed 451
in violation of division (A) (1) of this section is a felony of 452
the second degree and the court shall impose a mandatory prison 453
term on the offender as described in division (E) of this 454
section. 455

(b) Except as otherwise provided in division (B) (2) (c) of 456
this section, aggravated vehicular homicide committed in 457
violation of division (A) (1) of this section is a felony of the 458
first degree, and the court shall impose a mandatory prison term 459
on the offender as described in division (E) of this section, if 460
any of the following apply: 461

(i) At the time of the offense, the offender was driving 462
under a suspension or cancellation imposed under Chapter 4510. 463
or any other provision of the Revised Code or was operating a 464
motor vehicle or motorcycle, did not have a valid driver's 465
license, commercial driver's license, temporary instruction 466

permit, probationary license, or nonresident operating 467
privilege, and was not eligible for renewal of the offender's 468
driver's license or commercial driver's license without 469
examination under section 4507.10 of the Revised Code. 470

(ii) The offender previously has been convicted of or 471
pleaded guilty to a violation of this section. 472

(iii) The offender previously has been convicted of or 473
pleaded guilty to any traffic-related homicide, manslaughter, or 474
assault offense. 475

(c) Aggravated vehicular homicide committed in violation 476
of division (A) (1) of this section is a felony of the first 477
degree, and the court shall sentence the offender to a mandatory 478
prison term as provided in section 2929.142 of the Revised Code 479
and described in division (E) of this section if any of the 480
following apply: 481

(i) The offender previously has been convicted of or 482
pleaded guilty to three or more prior violations of section 483
4511.19 of the Revised Code or of a substantially equivalent 484
municipal ordinance within the previous ~~six~~-ten years. 485

(ii) The offender previously has been convicted of or 486
pleaded guilty to three or more prior violations of division (A) 487
of section 1547.11 of the Revised Code or of a substantially 488
equivalent municipal ordinance within the previous ~~six~~-ten 489
years. 490

(iii) The offender previously has been convicted of or 491
pleaded guilty to three or more prior violations of division (A) 492
(3) of section 4561.15 of the Revised Code or of a substantially 493
equivalent municipal ordinance within the previous ~~six~~-ten 494
years. 495

(iv) The offender previously has been convicted of or 496
pleaded guilty to three or more prior violations of division (A) 497
(1) of this section within the previous ~~six-ten~~ years. 498

(v) The offender previously has been convicted of or 499
pleaded guilty to three or more prior violations of division (A) 500
(1) of section 2903.08 of the Revised Code within the previous 501
~~six-ten~~ years. 502

(vi) The offender previously has been convicted of or 503
pleaded guilty to three or more prior violations of section 504
2903.04 of the Revised Code within the previous ~~six-ten~~ years in 505
circumstances in which division (D) of that section applied 506
regarding the violations. 507

(vii) The offender previously has been convicted of or 508
pleaded guilty to three or more violations of any combination of 509
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 510
(v), or (vi) of this section within the previous ~~six-ten~~ years. 511

(viii) The offender previously has been convicted of or 512
pleaded guilty to a second or subsequent felony violation of 513
division (A) of section 4511.19 of the Revised Code. 514

(d) In addition to any other sanctions imposed pursuant to 515
division (B) (2) (a), (b), or (c) of this section for aggravated 516
vehicular homicide committed in violation of division (A) (1) of 517
this section, the court shall impose upon the offender a class 518
one suspension of the offender's driver's license, commercial 519
driver's license, temporary instruction permit, probationary 520
license, or nonresident operating privilege as specified in 521
division (A) (1) of section 4510.02 of the Revised Code. 522

(3) Except as otherwise provided in this division, 523
aggravated vehicular homicide committed in violation of division 524

(A) (2) of this section is a felony of the third degree. 525
Aggravated vehicular homicide committed in violation of division 526
(A) (2) of this section is a felony of the second degree if, at 527
the time of the offense, the offender was driving under a 528
suspension or cancellation imposed under Chapter 4510. or any 529
other provision of the Revised Code or was operating a motor 530
vehicle or motorcycle, did not have a valid driver's license, 531
commercial driver's license, temporary instruction permit, 532
probationary license, or nonresident operating privilege, and 533
was not eligible for renewal of the offender's driver's license 534
or commercial driver's license without examination under section 535
4507.10 of the Revised Code or if the offender previously has 536
been convicted of or pleaded guilty to a violation of this 537
section or any traffic-related homicide, manslaughter, or 538
assault offense. The court shall impose a mandatory prison term 539
on the offender when required by division (E) of this section. 540

In addition to any other sanctions imposed pursuant to 541
this division for a violation of division (A) (2) of this 542
section, the court shall impose upon the offender a class two 543
suspension of the offender's driver's license, commercial 544
driver's license, temporary instruction permit, probationary 545
license, or nonresident operating privilege from the range 546
specified in division (A) (2) of section 4510.02 of the Revised 547
Code or, if the offender previously has been convicted of or 548
pleaded guilty to a traffic-related murder, felonious assault, 549
or attempted murder offense, a class one suspension of the 550
offender's driver's license, commercial driver's license, 551
temporary instruction permit, probationary license, or 552
nonresident operating privilege as specified in division (A) (1) 553
of that section. 554

(C) Whoever violates division (A) (3) of this section is 555

guilty of vehicular homicide. Except as otherwise provided in 556
this division, vehicular homicide is a misdemeanor of the first 557
degree. Vehicular homicide committed in violation of division 558
(A) (3) of this section is a felony of the fourth degree if, at 559
the time of the offense, the offender was driving under a 560
suspension or cancellation imposed under Chapter 4510. or any 561
other provision of the Revised Code or was operating a motor 562
vehicle or motorcycle, did not have a valid driver's license, 563
commercial driver's license, temporary instruction permit, 564
probationary license, or nonresident operating privilege, and 565
was not eligible for renewal of the offender's driver's license 566
or commercial driver's license without examination under section 567
4507.10 of the Revised Code or if the offender previously has 568
been convicted of or pleaded guilty to a violation of this 569
section or any traffic-related homicide, manslaughter, or 570
assault offense. The court shall impose a mandatory jail term or 571
a mandatory prison term on the offender when required by 572
division (E) of this section. 573

In addition to any other sanctions imposed pursuant to 574
this division, the court shall impose upon the offender a class 575
four suspension of the offender's driver's license, commercial 576
driver's license, temporary instruction permit, probationary 577
license, or nonresident operating privilege from the range 578
specified in division (A) (4) of section 4510.02 of the Revised 579
Code, or, if the offender previously has been convicted of or 580
pleaded guilty to a violation of this section or any traffic- 581
related homicide, manslaughter, or assault offense, a class 582
three suspension of the offender's driver's license, commercial 583
driver's license, temporary instruction permit, probationary 584
license, or nonresident operating privilege from the range 585
specified in division (A) (3) of that section, or, if the 586

offender previously has been convicted of or pleaded guilty to a 587
traffic-related murder, felonious assault, or attempted murder 588
offense, a class two suspension of the offender's driver's 589
license, commercial driver's license, temporary instruction 590
permit, probationary license, or nonresident operating privilege 591
as specified in division (A) (2) of that section. 592

(D) Whoever violates division (A) (4) of this section is 593
guilty of vehicular manslaughter. Except as otherwise provided 594
in this division, vehicular manslaughter is a misdemeanor of the 595
second degree. Vehicular manslaughter is a misdemeanor of the 596
first degree if, at the time of the offense, the offender was 597
driving under a suspension or cancellation imposed under Chapter 598
4510. or any other provision of the Revised Code or was 599
operating a motor vehicle or motorcycle, did not have a valid 600
driver's license, commercial driver's license, temporary 601
instruction permit, probationary license, or nonresident 602
operating privilege, and was not eligible for renewal of the 603
offender's driver's license or commercial driver's license 604
without examination under section 4507.10 of the Revised Code or 605
if the offender previously has been convicted of or pleaded 606
guilty to a violation of this section or any traffic-related 607
homicide, manslaughter, or assault offense. 608

In addition to any other sanctions imposed pursuant to 609
this division, the court shall impose upon the offender a class 610
six suspension of the offender's driver's license, commercial 611
driver's license, temporary instruction permit, probationary 612
license, or nonresident operating privilege from the range 613
specified in division (A) (6) of section 4510.02 of the Revised 614
Code or, if the offender previously has been convicted of or 615
pleaded guilty to a violation of this section, any traffic- 616
related homicide, manslaughter, or assault offense, or a 617

traffic-related murder, felonious assault, or attempted murder 618
offense, a class four suspension of the offender's driver's 619
license, commercial driver's license, temporary instruction 620
permit, probationary license, or nonresident operating privilege 621
from the range specified in division (A) (4) of that section. 622

(E) The court shall impose a mandatory prison term on an 623
offender who is convicted of or pleads guilty to a violation of 624
division (A) (1) of this section. If division (B) (2) (c) (i), (ii), 625
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 626
to an offender who is convicted of or pleads guilty to the 627
violation of division (A) (1) of this section, the court shall 628
impose the mandatory prison term pursuant to section 2929.142 of 629
the Revised Code. The court shall impose a mandatory jail term 630
of at least fifteen days on an offender who is convicted of or 631
pleads guilty to a misdemeanor violation of division (A) (3) (b) 632
of this section and may impose upon the offender a longer jail 633
term as authorized pursuant to section 2929.24 of the Revised 634
Code. The court shall impose a mandatory prison term on an 635
offender who is convicted of or pleads guilty to a violation of 636
division (A) (2) or (3) (a) of this section or a felony violation 637
of division (A) (3) (b) of this section if either of the following 638
applies: 639

(1) The offender previously has been convicted of or 640
pleaded guilty to a violation of this section or section 2903.08 641
of the Revised Code. 642

(2) At the time of the offense, the offender was driving 643
under suspension or cancellation under Chapter 4510. or any 644
other provision of the Revised Code or was operating a motor 645
vehicle or motorcycle, did not have a valid driver's license, 646
commercial driver's license, temporary instruction permit, 647

probationary license, or nonresident operating privilege, and 648
was not eligible for renewal of the offender's driver's license 649
or commercial driver's license without examination under section 650
4507.10 of the Revised Code. 651

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 652
apply in a particular construction zone unless signs of the type 653
described in section 2903.081 of the Revised Code are erected in 654
that construction zone in accordance with the guidelines and 655
design specifications established by the director of 656
transportation under section 5501.27 of the Revised Code. The 657
failure to erect signs of the type described in section 2903.081 658
of the Revised Code in a particular construction zone in 659
accordance with those guidelines and design specifications does 660
not limit or affect the application of division (A) (1), (A) (2) 661
(a), (A) (3) (a), or (A) (4) of this section in that construction 662
zone or the prosecution of any person who violates any of those 663
divisions in that construction zone. 664

(G) (1) As used in this section: 665

(a) "Mandatory prison term" and "mandatory jail term" have 666
the same meanings as in section 2929.01 of the Revised Code. 667

(b) "Traffic-related homicide, manslaughter, or assault 668
offense" means a violation of section 2903.04 of the Revised 669
Code in circumstances in which division (D) of that section 670
applies, a violation of section 2903.06 or 2903.08 of the 671
Revised Code, or a violation of section 2903.06, 2903.07, or 672
2903.08 of the Revised Code as they existed prior to March 23, 673
2000. 674

(c) "Construction zone" has the same meaning as in section 675
5501.27 of the Revised Code. 676

(d) "Reckless operation offense" means a violation of 677
section 4511.20 of the Revised Code or a municipal ordinance 678
substantially equivalent to section 4511.20 of the Revised Code. 679

(e) "Speeding offense" means a violation of section 680
4511.21 of the Revised Code or a municipal ordinance pertaining 681
to speed. 682

(f) "Traffic-related murder, felonious assault, or 683
attempted murder offense" means a violation of section 2903.01 684
or 2903.02 of the Revised Code in circumstances in which the 685
offender used a motor vehicle as the means to commit the 686
violation, a violation of division (A) (2) of section 2903.11 of 687
the Revised Code in circumstances in which the deadly weapon 688
used in the commission of the violation is a motor vehicle, or 689
an attempt to commit aggravated murder or murder in violation of 690
section 2923.02 of the Revised Code in circumstances in which 691
the offender used a motor vehicle as the means to attempt to 692
commit the aggravated murder or murder. 693

(g) "Motor vehicle" has the same meaning as in section 694
4501.01 of the Revised Code. 695

(2) For the purposes of this section, when a penalty or 696
suspension is enhanced because of a prior or current violation 697
of a specified law or a prior or current specified offense, the 698
reference to the violation of the specified law or the specified 699
offense includes any violation of any substantially equivalent 700
municipal ordinance, former law of this state, or current or 701
former law of another state or the United States. 702

Sec. 2903.08. (A) No person, while operating or 703
participating in the operation of a motor vehicle, motorcycle, 704
snowmobile, locomotive, watercraft, or aircraft, shall cause 705

serious physical harm to another person or another's unborn in	706
any of the following ways:	707
(1) (a) As the proximate result of committing a violation	708
of division (A) of section 4511.19 of the Revised Code or of a	709
substantially equivalent municipal ordinance;	710
(b) As the proximate result of committing a violation of	711
division (A) of section 1547.11 of the Revised Code or of a	712
substantially equivalent municipal ordinance;	713
(c) As the proximate result of committing a violation of	714
division (A) (3) of section 4561.15 of the Revised Code or of a	715
substantially equivalent municipal ordinance.	716
(2) In one of the following ways:	717
(a) As the proximate result of committing, while operating	718
or participating in the operation of a motor vehicle or	719
motorcycle in a construction zone, a reckless operation offense,	720
provided that this division applies only if the person to whom	721
the serious physical harm is caused or to whose unborn the	722
serious physical harm is caused is in the construction zone at	723
the time of the offender's commission of the reckless operation	724
offense in the construction zone and does not apply as described	725
in division (E) of this section;	726
(b) Recklessly.	727
(3) As the proximate result of committing, while operating	728
or participating in the operation of a motor vehicle or	729
motorcycle in a construction zone, a speeding offense, provided	730
that this division applies only if the person to whom the	731
serious physical harm is caused or to whose unborn the serious	732
physical harm is caused is in the construction zone at the time	733
of the offender's commission of the speeding offense in the	734

construction zone and does not apply as described in division 735
(E) of this section. 736

(B) (1) Whoever violates division (A) (1) of this section is 737
guilty of aggravated vehicular assault. Except as otherwise 738
provided in this division, aggravated vehicular assault is a 739
felony of the third degree. Aggravated vehicular assault is a 740
felony of the second degree if any of the following apply: 741

(a) At the time of the offense, the offender was driving 742
under a suspension imposed under Chapter 4510. or any other 743
provision of the Revised Code. 744

(b) The offender previously has been convicted of or 745
pleaded guilty to a violation of this section. 746

(c) The offender previously has been convicted of or 747
pleaded guilty to any traffic-related homicide, manslaughter, or 748
assault offense. 749

(d) The offender previously has been convicted of or 750
pleaded guilty to three or more prior violations of section 751
4511.19 of the Revised Code or a substantially equivalent 752
municipal ordinance within the previous ~~six~~-ten years. 753

(e) The offender previously has been convicted of or 754
pleaded guilty to three or more prior violations of division (A) 755
of section 1547.11 of the Revised Code or of a substantially 756
equivalent municipal ordinance within the previous ~~six~~-ten 757
years. 758

(f) The offender previously has been convicted of or 759
pleaded guilty to three or more prior violations of division (A) 760
(3) of section 4561.15 of the Revised Code or of a substantially 761
equivalent municipal ordinance within the previous ~~six~~-ten 762
years. 763

(g) The offender previously has been convicted of or 764
pleaded guilty to three or more prior violations of any 765
combination of the offenses listed in division (B) (1) (d), (e), 766
or (f) of this section. 767

(h) The offender previously has been convicted of or 768
pleaded guilty to a second or subsequent felony violation of 769
division (A) of section 4511.19 of the Revised Code. 770

(2) In addition to any other sanctions imposed pursuant to 771
division (B) (1) of this section, except as otherwise provided in 772
this division, the court shall impose upon the offender a class 773
three suspension of the offender's driver's license, commercial 774
driver's license, temporary instruction permit, probationary 775
license, or nonresident operating privilege from the range 776
specified in division (A) (3) of section 4510.02 of the Revised 777
Code. If the offender previously has been convicted of or 778
pleaded guilty to a violation of this section, any traffic- 779
related homicide, manslaughter, or assault offense, or any 780
traffic-related murder, felonious assault, or attempted murder 781
offense, the court shall impose either a class two suspension of 782
the offender's driver's license, commercial driver's license, 783
temporary instruction permit, probationary license, or 784
nonresident operating privilege from the range specified in 785
division (A) (2) of that section or a class one suspension as 786
specified in division (A) (1) of that section. 787

(C) (1) Whoever violates division (A) (2) or (3) of this 788
section is guilty of vehicular assault and shall be punished as 789
provided in divisions (C) (2) and (3) of this section. 790

(2) Except as otherwise provided in this division, 791
vehicular assault committed in violation of division (A) (2) of 792
this section is a felony of the fourth degree. Vehicular assault 793

committed in violation of division (A) (2) of this section is a 794
felony of the third degree if, at the time of the offense, the 795
offender was driving under a suspension imposed under Chapter 796
4510. or any other provision of the Revised Code, if the 797
offender previously has been convicted of or pleaded guilty to a 798
violation of this section or any traffic-related homicide, 799
manslaughter, or assault offense, or if, in the same course of 800
conduct that resulted in the violation of division (A) (2) of 801
this section, the offender also violated section 4549.02, 802
4549.021, or 4549.03 of the Revised Code. 803

In addition to any other sanctions imposed, the court 804
shall impose upon the offender a class four suspension of the 805
offender's driver's license, commercial driver's license, 806
temporary instruction permit, probationary license, or 807
nonresident operating privilege from the range specified in 808
division (A) (4) of section 4510.02 of the Revised Code or, if 809
the offender previously has been convicted of or pleaded guilty 810
to a violation of this section, any traffic-related homicide, 811
manslaughter, or assault offense, or any traffic-related murder, 812
felonious assault, or attempted murder offense, a class three 813
suspension of the offender's driver's license, commercial 814
driver's license, temporary instruction permit, probationary 815
license, or nonresident operating privilege from the range 816
specified in division (A) (3) of that section. 817

(3) Except as otherwise provided in this division, 818
vehicular assault committed in violation of division (A) (3) of 819
this section is a misdemeanor of the first degree. Vehicular 820
assault committed in violation of division (A) (3) of this 821
section is a felony of the fourth degree if, at the time of the 822
offense, the offender was driving under a suspension imposed 823
under Chapter 4510. or any other provision of the Revised Code 824

or if the offender previously has been convicted of or pleaded 825
guilty to a violation of this section or any traffic-related 826
homicide, manslaughter, or assault offense. 827

In addition to any other sanctions imposed, the court 828
shall impose upon the offender a class four suspension of the 829
offender's driver's license, commercial driver's license, 830
temporary instruction permit, probationary license, or 831
nonresident operating privilege from the range specified in 832
division (A) (4) of section 4510.02 of the Revised Code or, if 833
the offender previously has been convicted of or pleaded guilty 834
to a violation of this section, any traffic-related homicide, 835
manslaughter, or assault offense, or any traffic-related murder, 836
felonious assault, or attempted murder offense, a class three 837
suspension of the offender's driver's license, commercial 838
driver's license, temporary instruction permit, probationary 839
license, or nonresident operating privilege from the range 840
specified in division (A) (3) of section 4510.02 of the Revised 841
Code. 842

(D) (1) The court shall impose a mandatory prison term on 843
an offender who is convicted of or pleads guilty to a violation 844
of division (A) (1) of this section. 845

(2) The court shall impose a mandatory prison term on an 846
offender who is convicted of or pleads guilty to a violation of 847
division (A) (2) of this section or a felony violation of 848
division (A) (3) of this section if either of the following 849
applies: 850

(a) The offender previously has been convicted of or 851
pleaded guilty to a violation of this section or section 2903.06 852
of the Revised Code. 853

(b) At the time of the offense, the offender was driving 854
under suspension under Chapter 4510. or any other provision of 855
the Revised Code. 856

(3) The court shall impose a mandatory jail term of at 857
least seven days on an offender who is convicted of or pleads 858
guilty to a misdemeanor violation of division (A) (3) of this 859
section and may impose upon the offender a longer jail term as 860
authorized pursuant to section 2929.24 of the Revised Code. 861

(E) Divisions (A) (2) (a) and (3) of this section do not 862
apply in a particular construction zone unless signs of the type 863
described in section 2903.081 of the Revised Code are erected in 864
that construction zone in accordance with the guidelines and 865
design specifications established by the director of 866
transportation under section 5501.27 of the Revised Code. The 867
failure to erect signs of the type described in section 2903.081 868
of the Revised Code in a particular construction zone in 869
accordance with those guidelines and design specifications does 870
not limit or affect the application of division (A) (1) or (2) (b) 871
of this section in that construction zone or the prosecution of 872
any person who violates either of those divisions in that 873
construction zone. 874

(F) As used in this section: 875

(1) "Mandatory prison term" and "mandatory jail term" have 876
the same meanings as in section 2929.01 of the Revised Code. 877

(2) "Traffic-related homicide, manslaughter, or assault 878
offense" and "traffic-related murder, felonious assault, or 879
attempted murder offense" have the same meanings as in section 880
2903.06 of the Revised Code. 881

(3) "Construction zone" has the same meaning as in section 882

5501.27 of the Revised Code. 883

(4) "Reckless operation offense" and "speeding offense" 884
have the same meanings as in section 2903.06 of the Revised 885
Code. 886

(G) For the purposes of this section, when a penalty or 887
suspension is enhanced because of a prior or current violation 888
of a specified law or a prior or current specified offense, the 889
reference to the violation of the specified law or the specified 890
offense includes any violation of any substantially equivalent 891
municipal ordinance, former law of this state, or current or 892
former law of another state or the United States. 893

Sec. 2929.142. Notwithstanding the definite prison term 894
specified in division (A) of section 2929.14 of the Revised Code 895
for a felony of the first degree, if an offender is convicted of 896
or pleads guilty to aggravated vehicular homicide in violation 897
of division (A)(1) of section 2903.06 of the Revised Code, the 898
court shall impose upon the offender a mandatory prison term of 899
ten, eleven, twelve, thirteen, fourteen, or fifteen years if any 900
of the following apply: 901

(A) The offender previously has been convicted of or 902
pleaded guilty to three or more prior violations of section 903
4511.19 of the Revised Code or of a substantially equivalent 904
municipal ordinance within the previous ~~six-ten~~ years. 905

(B) The offender previously has been convicted of or 906
pleaded guilty to three or more prior violations of division (A) 907
of section 1547.11 of the Revised Code or of a substantially 908
equivalent municipal ordinance within the previous ~~six-ten~~ 909
years. 910

(C) The offender previously has been convicted of or 911

pleaded guilty to three or more prior violations of division (A) 912
(3) of section 4561.15 of the Revised Code or of a substantially 913
equivalent municipal ordinance within the previous ~~six~~-ten 914
years. 915

(D) The offender previously has been convicted of or 916
pleaded guilty to three or more prior violations of division (A) 917
(1) of section 2903.06 of the Revised Code. 918

(E) The offender previously has been convicted of or 919
pleaded guilty to three or more prior violations of division (A) 920
(1) of section 2903.08 of the Revised Code. 921

(F) The offender previously has been convicted of or 922
pleaded guilty to three or more prior violations of section 923
2903.04 of the Revised Code in circumstances in which division 924
(D) of that section applied regarding the violations. 925

(G) The offender previously has been convicted of or 926
pleaded guilty to three or more violations of any combination of 927
the offenses listed in division (A), (B), (C), (D), (E), or (F) 928
of this section. 929

(H) The offender previously has been convicted of or 930
pleaded guilty to a second or subsequent felony violation of 931
division (A) of section 4511.19 of the Revised Code. 932

Sec. 3327.10. (A) No person shall be employed as driver of 933
a school bus or motor van, owned and operated by any school 934
district or educational service center or privately owned and 935
operated under contract with any school district or service 936
center in this state, who has not received a certificate from 937
either the educational service center governing board that has 938
entered into an agreement with the school district under section 939
3313.843 or 3313.845 of the Revised Code or the superintendent 940

of the school district, certifying that such person is at least 941
eighteen years of age and is of good moral character and is 942
qualified physically and otherwise for such position. The 943
service center governing board or the superintendent, as the 944
case may be, shall provide for an annual physical examination 945
that conforms with rules adopted by the state board of education 946
of each driver to ascertain the driver's physical fitness for 947
such employment. Any certificate may be revoked by the authority 948
granting the same on proof that the holder has been guilty of 949
failing to comply with division (D) (1) of this section, or upon 950
a conviction or a guilty plea for a violation, or any other 951
action, that results in a loss or suspension of driving rights. 952
Failure to comply with such division may be cause for 953
disciplinary action or termination of employment under division 954
(C) of section 3319.081, or section 124.34 of the Revised Code. 955

(B) No person shall be employed as driver of a school bus 956
or motor van not subject to the rules of the department of 957
education pursuant to division (A) of this section who has not 958
received a certificate from the school administrator or 959
contractor certifying that such person is at least eighteen 960
years of age, is of good moral character, and is qualified 961
physically and otherwise for such position. Each driver shall 962
have an annual physical examination which conforms to the state 963
highway patrol rules, ascertaining the driver's physical fitness 964
for such employment. The examination shall be performed by one 965
of the following: 966

(1) A person licensed under Chapter 4731. of the Revised 967
Code or by another state to practice medicine and surgery or 968
osteopathic medicine and surgery; 969

(2) A physician assistant; 970

(3) A certified nurse practitioner;	971
(4) A clinical nurse specialist;	972
(5) A certified nurse-midwife.	973
Any written documentation of the physical examination	974
shall be completed by the individual who performed the	975
examination.	976
Any certificate may be revoked by the authority granting	977
the same on proof that the holder has been guilty of failing to	978
comply with division (D) (2) of this section.	979
(C) Any person who drives a school bus or motor van must	980
give satisfactory and sufficient bond except a driver who is an	981
employee of a school district and who drives a bus or motor van	982
owned by the school district.	983
(D) No person employed as driver of a school bus or motor	984
van under this section who is convicted of a traffic violation	985
or who has had the person's commercial driver's license	986
suspended shall drive a school bus or motor van until the person	987
has filed a written notice of the conviction or suspension, as	988
follows:	989
(1) If the person is employed under division (A) of this	990
section, the person shall file the notice with the	991
superintendent, or a person designated by the superintendent, of	992
the school district for which the person drives a school bus or	993
motor van as an employee or drives a privately owned and	994
operated school bus or motor van under contract.	995
(2) If employed under division (B) of this section, the	996
person shall file the notice with the employing school	997
administrator or contractor, or a person designated by the	998

administrator or contractor. 999

(E) In addition to resulting in possible revocation of a 1000
certificate as authorized by divisions (A) and (B) of this 1001
section, violation of division (D) of this section is a minor 1002
misdemeanor. 1003

(F) (1) Not later than thirty days after June 30, 2007, 1004
each owner of a school bus or motor van shall obtain the 1005
complete driving record for each person who is currently 1006
employed or otherwise authorized to drive the school bus or 1007
motor van. An owner of a school bus or motor van shall not 1008
permit a person to operate the school bus or motor van for the 1009
first time before the owner has obtained the person's complete 1010
driving record. Thereafter, the owner of a school bus or motor 1011
van shall obtain the person's driving record not less frequently 1012
than semiannually if the person remains employed or otherwise 1013
authorized to drive the school bus or motor van. An owner of a 1014
school bus or motor van shall not permit a person to resume 1015
operating a school bus or motor van, after an interruption of 1016
one year or longer, before the owner has obtained the person's 1017
complete driving record. 1018

(2) The owner of a school bus or motor van shall not 1019
permit a person to operate the school bus or motor van for ~~six-~~ 1020
ten years after the date on which the person pleads guilty to or 1021
is convicted of a violation of section 4511.19 of the Revised 1022
Code or a substantially equivalent municipal ordinance. 1023

(3) An owner of a school bus or motor van shall not permit 1024
any person to operate such a vehicle unless the person meets all 1025
other requirements contained in rules adopted by the state board 1026
of education prescribing qualifications of drivers of school 1027
buses and other student transportation. 1028

(G) No superintendent of a school district, educational service center, community school, or public or private employer shall permit the operation of a vehicle used for pupil transportation within this state by an individual unless both of the following apply:

(1) Information pertaining to that driver has been submitted to the department of education, pursuant to procedures adopted by that department. Information to be reported shall include the name of the employer or school district, name of the driver, driver license number, date of birth, date of hire, status of physical evaluation, and status of training.

(2) The most recent criminal records check required by division (J) of this section has been completed and received by the superintendent or public or private employer.

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.

(I) For qualified drivers who, on July 1, 2007, are employed by the owner of a school bus or motor van to drive the school bus or motor van, any instance in which the driver was convicted of or pleaded guilty to a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J) (1) This division applies to persons hired by a school 1058
district, educational service center, community school, 1059
chartered nonpublic school, or science, technology, engineering, 1060
and mathematics school established under Chapter 3326. of the 1061
Revised Code to operate a vehicle used for pupil transportation. 1062

For each person to whom this division applies who is hired 1063
on or after November 14, 2007, the employer shall request a 1064
criminal records check in accordance with section 3319.39 of the 1065
Revised Code and every six years thereafter. For each person to 1066
whom this division applies who is hired prior to that date, the 1067
employer shall request a criminal records check by a date 1068
prescribed by the department of education and every six years 1069
thereafter. 1070

(2) This division applies to persons hired by a public or 1071
private employer not described in division (J) (1) of this 1072
section to operate a vehicle used for pupil transportation. 1073

For each person to whom this division applies who is hired 1074
on or after November 14, 2007, the employer shall request a 1075
criminal records check prior to the person's hiring and every 1076
six years thereafter. For each person to whom this division 1077
applies who is hired prior to that date, the employer shall 1078
request a criminal records check by a date prescribed by the 1079
department and every six years thereafter. 1080

(3) Each request for a criminal records check under 1081
division (J) of this section shall be made to the superintendent 1082
of the bureau of criminal identification and investigation in 1083
the manner prescribed in section 3319.39 of the Revised Code, 1084
except that if both of the following conditions apply to the 1085
person subject to the records check, the employer shall request 1086
the superintendent only to obtain any criminal records that the 1087

federal bureau of investigation has on the person: 1088

(a) The employer previously requested the superintendent 1089
to determine whether the bureau of criminal identification and 1090
investigation has any information, gathered pursuant to division 1091
(A) of section 109.57 of the Revised Code, on the person in 1092
conjunction with a criminal records check requested under 1093
section 3319.39 of the Revised Code or under division (J) of 1094
this section. 1095

(b) The person presents proof that the person has been a 1096
resident of this state for the five-year period immediately 1097
prior to the date upon which the person becomes subject to a 1098
criminal records check under this section. 1099

Upon receipt of a request, the superintendent shall 1100
conduct the criminal records check in accordance with section 1101
109.572 of the Revised Code as if the request had been made 1102
under section 3319.39 of the Revised Code. However, as specified 1103
in division (B)(2) of section 109.572 of the Revised Code, if 1104
the employer requests the superintendent only to obtain any 1105
criminal records that the federal bureau of investigation has on 1106
the person for whom the request is made, the superintendent 1107
shall not conduct the review prescribed by division (B)(1) of 1108
that section. 1109

(K)(1) Until the effective date of the amendments to rule 1110
3301-83-23 of the Ohio Administrative Code required by the 1111
second paragraph of division (E) of section 3319.39 of the 1112
Revised Code, any person who is the subject of a criminal 1113
records check under division (J) of this section and has been 1114
convicted of or pleaded guilty to any offense described in 1115
division (B)(1) of section 3319.39 of the Revised Code shall not 1116
be hired or shall be released from employment, as applicable, 1117

unless the person meets the rehabilitation standards prescribed 1118
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 1119
Administrative Code. 1120

(2) Beginning on the effective date of the amendments to 1121
rule 3301-83-23 of the Ohio Administrative Code required by the 1122
second paragraph of division (E) of section 3319.39 of the 1123
Revised Code, any person who is the subject of a criminal 1124
records check under division (J) of this section and has been 1125
convicted of or pleaded guilty to any offense that, under the 1126
rule, disqualifies a person for employment to operate a vehicle 1127
used for pupil transportation shall not be hired or shall be 1128
released from employment, as applicable, unless the person meets 1129
the rehabilitation standards prescribed by the rule. 1130

Sec. 4510.022. (A) As used in this section: 1131

(1) "First-time offender" means a person whose driver's 1132
license or commercial driver's license or permit or nonresident 1133
operating privilege has been suspended for being convicted of, 1134
or pleading guilty to, an OVI offense under any of the 1135
following: 1136

(a) Division (G) (1) (a) or (H) (1) of section 4511.19 of the 1137
Revised Code; 1138

(b) Section 4510.07 of the Revised Code for a municipal 1139
OVI offense when the offense is equivalent to an offense under 1140
division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised 1141
Code; 1142

(c) Division (B) or (D) of section 4510.17 of the Revised 1143
Code when the offense is equivalent to an offense under division 1144
(G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code. 1145

(2) "OVI offense" means a violation of section 4511.19 of 1146

the Revised Code or a violation of a substantially similar 1147
municipal ordinance or law of another state or the United 1148
States. 1149

(B) A first-time offender may file a petition for 1150
unlimited driving privileges with a certified ignition interlock 1151
device during the period of suspension imposed for an OVI 1152
offense in the same manner and in the same venue as the person 1153
is permitted to apply for limited driving privileges. 1154

(C) (1) With regard to a first-time offender, in any 1155
circumstance in which a court is authorized to grant limited 1156
driving privileges under section 4510.021, 4510.13, or 4510.17 1157
of the Revised Code during a period of suspension, the court may 1158
instead grant unlimited driving privileges with a certified 1159
ignition interlock device. No court shall grant unlimited 1160
driving privileges with a certified ignition interlock device 1161
during any period, or under any circumstance, that the court is 1162
prohibited from granting limited driving privileges. 1163

(2) If a court grants unlimited driving privileges with a 1164
certified ignition interlock device to a first-time offender, 1165
the court shall do all of the following: 1166

(a) Issue an order authorizing the first-time offender to 1167
operate a motor vehicle only if the vehicle is equipped with a 1168
certified ignition interlock device, except as provided in 1169
division (C) of section 4510.43 of the Revised Code. 1170

(b) Provide to the first-time offender a copy of the order 1171
and a notice that the first-time offender is subject to the 1172
sanctions specified in division (E) of this section. 1173

(c) Submit a copy of the order to the registrar of motor 1174
vehicles. 1175

(3) If a court grants unlimited driving privileges with a certified ignition interlock device to a first-time offender, the court may reduce the period of suspension imposed by the court by an amount of time not greater than half the period of suspension. 1176
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(D) (1) A first-time offender shall present an order issued under this section and a certificate affirming the installation of a certified ignition interlock device signed by the person who installed the device to the registrar or to a deputy registrar. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with a certified ignition interlock device. 1181
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(2) (a) No person who has been granted unlimited driving privileges with a certified ignition interlock device under this section shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code. 1196
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(b) The offense established under division (D) (2) (a) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. 1202
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(E) If a first-time offender has been granted unlimited 1205

driving privileges with a certified ignition interlock device 1206
under this section and the first-time offender either commits an 1207
ignition interlock device violation as defined under section 1208
4510.46 of the Revised Code or the first-time offender operates 1209
a motor vehicle that is not equipped with a certified ignition 1210
interlock device, the following applies: 1211

(1) On a first violation, the court may require the first- 1212
time offender to wear a monitor that provides continuous alcohol 1213
monitoring that is remote. 1214

(2) On a second violation, the court shall require the 1215
first-time offender to wear a monitor that provides continuous 1216
alcohol monitoring that is remote for a minimum of forty days. 1217

(3) On a third or subsequent violation, the court shall 1218
require the first-time offender to wear a monitor that provides 1219
continuous alcohol monitoring that is remote for a minimum of 1220
sixty days. 1221

(4) With regard to any instance, the judge may increase 1222
the period of suspension and the period during which the first- 1223
time offender must drive a motor vehicle equipped with a 1224
certified ignition interlock device in the same manner as 1225
provided in division (A)(8)(c) of section 4510.13 of the Revised 1226
Code. The limitation under division (E) of section 4510.46 of 1227
the Revised Code applies to an increase under division (E)(4) of 1228
this section. 1229

(5) If the instance occurred within sixty days of the end 1230
of the suspension of the offender's driver's or commercial 1231
driver's license or permit or nonresident operating privilege 1232
and the court does not increase the period of the suspension 1233
under division (E)(4) of this section, the court shall proceed 1234

as follows: 1235

(a) Issue an order extending the period of suspension and 1236
the period of time during which the first-time offender must 1237
drive a vehicle equipped with a certified ignition interlock 1238
device so that the suspension terminates sixty days from the 1239
date the offender committed that violation. 1240

(b) For each violation subsequent to a violation for which 1241
an extension was ordered under division (E) (5) (a) of this 1242
section, issue an order extending the period of suspension and 1243
the period of time during which the first-time offender must 1244
drive a vehicle equipped with a certified ignition interlock 1245
device so that the suspension terminates sixty days from the 1246
date the offender committed that violation. 1247

The registrar of motor vehicles is prohibited from 1248
reinstating a first-time offender's license unless the 1249
applicable period of suspension has been served and no ignition 1250
interlock device violations have been committed within the sixty 1251
days prior to the application for reinstatement. 1252

(F) With respect to an order issued under this section, 1253
the judge shall impose an additional court cost of two dollars 1254
and fifty cents upon the first-time offender. The judge shall 1255
not waive this payment unless the judge determines that the 1256
first-time offender is indigent and waives the payment of all 1257
court costs imposed upon the indigent first-time offender. The 1258
clerk of court shall transmit one hundred per cent of this 1259
mandatory court cost collected during a month on or before the 1260
twenty-third day of the following month to the state treasury to 1261
be credited to the state highway safety fund created under 1262
section 4501.06 of the Revised Code. The department of public 1263
safety shall use the amounts collected to cover costs associated 1264

with maintaining the habitual OVI/OMWI offender registry created 1265
under section 5502.10 of the Revised Code. 1266

A judge may impose an additional court cost of two dollars 1267
and fifty cents upon the first-time offender. The clerk of court 1268
shall retain this discretionary two dollar and fifty cent court 1269
cost, if imposed. The clerk shall deposit it in the court's 1270
special projects fund that is established under division (E) (1) 1271
of section 2303.201, division (B) (1) of section 1901.26, or 1272
division (B) (1) of section 1907.24 of the Revised Code. 1273

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this 1274
section apply to a judge or mayor regarding the suspension of, 1275
or the grant of limited driving privileges during a suspension 1276
of, an offender's driver's or commercial driver's license or 1277
permit or nonresident operating privilege imposed under division 1278
(G) or (H) of section 4511.19 of the Revised Code, under 1279
division (B) or (C) of section 4511.191 of the Revised Code, or 1280
under section 4510.07 of the Revised Code for a conviction of a 1281
violation of a municipal OVI ordinance. 1282

(2) No judge or mayor shall suspend the following portions 1283
of the suspension of an offender's driver's or commercial 1284
driver's license or permit or nonresident operating privilege 1285
imposed under division (G) or (H) of section 4511.19 of the 1286
Revised Code or under section 4510.07 of the Revised Code for a 1287
conviction of a violation of a municipal OVI ordinance, provided 1288
that division (A) (2) of this section does not limit a court or 1289
mayor in crediting any period of suspension imposed pursuant to 1290
division (B) or (C) of section 4511.191 of the Revised Code 1291
against any time of judicial suspension imposed pursuant to 1292
section 4511.19 or 4510.07 of the Revised Code, as described in 1293
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 1294

Code:	1295
(a) The first six months of a suspension imposed under	1296
division (G) (1) (a) of section 4511.19 of the Revised Code or of	1297
a comparable length suspension imposed under section 4510.07 of	1298
the Revised Code;	1299
(b) The first year of a suspension imposed under division	1300
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a	1301
comparable length suspension imposed under section 4510.07 of	1302
the Revised Code;	1303
(c) The first three years of a suspension imposed under	1304
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code	1305
or of a comparable length suspension imposed under section	1306
4510.07 of the Revised Code;	1307
(d) The first sixty days of a suspension imposed under	1308
division (H) of section 4511.19 of the Revised Code or of a	1309
comparable length suspension imposed under section 4510.07 of	1310
the Revised Code.	1311
(3) No judge or mayor shall grant limited driving	1312
privileges to an offender whose driver's or commercial driver's	1313
license or permit or nonresident operating privilege has been	1314
suspended under division (G) or (H) of section 4511.19 of the	1315
Revised Code, under division (C) of section 4511.191 of the	1316
Revised Code, or under section 4510.07 of the Revised Code for a	1317
municipal OVI conviction if the offender, within the preceding	1318
six <u>ten</u> years, has been convicted of or pleaded guilty to three	1319
or more violations of one or more of the Revised Code sections,	1320
municipal ordinances, statutes of the United States or another	1321
state, or municipal ordinances of a municipal corporation of	1322
another state that are identified in divisions (G) (2) (b) to (h)	1323

of section 2919.22 of the Revised Code. 1324

Additionally, no judge or mayor shall grant limited 1325
driving privileges to an offender whose driver's or commercial 1326
driver's license or permit or nonresident operating privilege 1327
has been suspended under division (B) of section 4511.191 of the 1328
Revised Code if the offender, within the preceding ~~six~~-ten 1329
years, has refused three previous requests to consent to a 1330
chemical test of the person's whole blood, blood serum or 1331
plasma, breath, or urine to determine its alcohol content. 1332

(4) No judge or mayor shall grant limited driving 1333
privileges for employment as a driver of commercial motor 1334
vehicles to an offender whose driver's or commercial driver's 1335
license or permit or nonresident operating privilege has been 1336
suspended under division (G) or (H) of section 4511.19 of the 1337
Revised Code, under division (B) or (C) of section 4511.191 of 1338
the Revised Code, or under section 4510.07 of the Revised Code 1339
for a municipal OVI conviction if the offender is disqualified 1340
from operating a commercial motor vehicle, or whose license or 1341
permit has been suspended, under section 3123.58 or 4506.16 of 1342
the Revised Code. 1343

(5) No judge or mayor shall grant limited driving 1344
privileges to an offender whose driver's or commercial driver's 1345
license or permit or nonresident operating privilege has been 1346
suspended under division (G) or (H) of section 4511.19 of the 1347
Revised Code, under division (C) of section 4511.191 of the 1348
Revised Code, or under section 4510.07 of the Revised Code for a 1349
conviction of a violation of a municipal OVI ordinance during 1350
any of the following periods of time: 1351

(a) The first fifteen days of a suspension imposed under 1352
division (G) (1) (a) of section 4511.19 of the Revised Code or a 1353

comparable length suspension imposed under section 4510.07 of 1354
the Revised Code, or of a suspension imposed under division (C) 1355
(1) (a) of section 4511.191 of the Revised Code. On or after the 1356
sixteenth day of the suspension, the court may grant limited 1357
driving privileges, but the court may require that the offender 1358
shall not exercise the privileges unless the vehicles the 1359
offender operates are equipped with immobilizing or disabling 1360
devices that monitor the offender's alcohol consumption or any 1361
other type of immobilizing or disabling devices, except as 1362
provided in division (C) of section 4510.43 of the Revised Code. 1363

(b) The first forty-five days of a suspension imposed 1364
under division (C) (1) (b) of section 4511.191 of the Revised 1365
Code. On or after the forty-sixth day of suspension, the court 1366
may grant limited driving privileges, but the court may require 1367
that the offender shall not exercise the privileges unless the 1368
vehicles the offender operates are equipped with immobilizing or 1369
disabling devices that monitor the offender's alcohol 1370
consumption or any other type of immobilizing or disabling 1371
devices, except as provided in division (C) of section 4510.43 1372
of the Revised Code. 1373

(c) The first sixty days of a suspension imposed under 1374
division (H) of section 4511.19 of the Revised Code or a 1375
comparable length suspension imposed under section 4510.07 of 1376
the Revised Code. 1377

(d) The first one hundred eighty days of a suspension 1378
imposed under division (C) (1) (c) of section 4511.191 of the 1379
Revised Code. On or after the one hundred eighty-first day of 1380
suspension, the court may grant limited driving privileges, and 1381
either of the following applies: 1382

(i) If the underlying arrest is alcohol-related, the court 1383

shall issue an order that, except as provided in division (C) of 1384
section 4510.43 of the Revised Code, for the remainder of the 1385
period of suspension the offender shall not exercise the 1386
privileges unless the vehicles the offender operates are 1387
equipped with a certified ignition interlock device. 1388

(ii) If the underlying arrest is drug-related, the court 1389
in its discretion may issue an order that, except as provided in 1390
division (C) of section 4510.43 of the Revised Code, for the 1391
remainder of the period of suspension the offender shall not 1392
exercise the privileges unless the vehicles the offender 1393
operates are equipped with a certified ignition interlock 1394
device. 1395

(e) The first forty-five days of a suspension imposed 1396
under division (G) (1) (b) of section 4511.19 of the Revised Code 1397
or a comparable length suspension imposed under section 4510.07 1398
of the Revised Code. On or after the forty-sixth day of the 1399
suspension, the court may grant limited driving privileges, and 1400
either of the following applies: 1401

(i) If the underlying conviction is alcohol-related, the 1402
court shall issue an order that, except as provided in division 1403
(C) of section 4510.43 of the Revised Code, for the remainder of 1404
the period of suspension the offender shall not exercise the 1405
privileges unless the vehicles the offender operates are 1406
equipped with a certified ignition interlock device. 1407

(ii) If the underlying conviction is drug-related, the 1408
court in its discretion may issue an order that, except as 1409
provided in division (C) of section 4510.43 of the Revised Code, 1410
for the remainder of the period of suspension the offender shall 1411
not exercise the privileges unless the vehicles the offender 1412
operates are equipped with a certified ignition interlock 1413

device. 1414

(f) The first one hundred eighty days of a suspension 1415
imposed under division (G) (1) (c) of section 4511.19 of the 1416
Revised Code or a comparable length suspension imposed under 1417
section 4510.07 of the Revised Code. On or after the one hundred 1418
eighty-first day of the suspension, the court may grant limited 1419
driving privileges, and either of the following applies: 1420

(i) If the underlying conviction is alcohol-related, the 1421
court shall issue an order that, except as provided in division 1422
(C) of section 4510.43 of the Revised Code, for the remainder of 1423
the period of suspension the offender shall not exercise the 1424
privileges unless the vehicles the offender operates are 1425
equipped with a certified ignition interlock device. 1426

(ii) If the underlying conviction is drug-related, the 1427
court in its discretion may issue an order that, except as 1428
provided in division (C) of section 4510.43 of the Revised Code, 1429
for the remainder of the period of suspension the offender shall 1430
not exercise the privileges unless the vehicles the offender 1431
operates are equipped with a certified ignition interlock 1432
device. 1433

(g) The first three years of a suspension imposed under 1434
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1435
or a comparable length suspension imposed under section 4510.07 1436
of the Revised Code, or of a suspension imposed under division 1437
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 1438
the first three years of suspension, the court may grant limited 1439
driving privileges, and either of the following applies: 1440

(i) If the underlying conviction is alcohol-related, the 1441
court shall issue an order that, except as provided in division 1442

(C) of section 4510.43 of the Revised Code, for the remainder of 1443
the period of suspension the offender shall not exercise the 1444
privileges unless the vehicles the offender operates are 1445
equipped with a certified ignition interlock device. 1446

(ii) If the underlying conviction is drug-related, the 1447
court in its discretion may issue an order that, except as 1448
provided in division (C) of section 4510.43 of the Revised Code, 1449
for the remainder of the period of suspension the offender shall 1450
not exercise the privileges unless the vehicles the offender 1451
operates are equipped with a certified ignition interlock 1452
device. 1453

(6) No judge or mayor shall grant limited driving 1454
privileges to an offender whose driver's or commercial driver's 1455
license or permit or nonresident operating privilege has been 1456
suspended under division (B) of section 4511.191 of the Revised 1457
Code during any of the following periods of time: 1458

(a) The first thirty days of suspension imposed under 1459
division (B) (1) (a) of section 4511.191 of the Revised Code; 1460

(b) The first ninety days of suspension imposed under 1461
division (B) (1) (b) of section 4511.191 of the Revised Code; 1462

(c) The first year of suspension imposed under division 1463
(B) (1) (c) of section 4511.191 of the Revised Code; 1464

(d) The first three years of suspension imposed under 1465
division (B) (1) (d) of section 4511.191 of the Revised Code. 1466

(7) In any case in which a judge or mayor grants limited 1467
driving privileges to an offender whose driver's or commercial 1468
driver's license or permit or nonresident operating privilege 1469
has been suspended under division (G) (1) ~~(b)~~, (c), (d), or (e) of 1470
section 4511.19 of the Revised Code, under division (G) (1) (a) or 1471

(b) of section 4511.19 of the Revised Code for a violation of 1472
division (A) (1) (f), (g), (h), or (i) of that section, or under 1473
section 4510.07 of the Revised Code for a municipal OVI 1474
conviction for which sentence would have been imposed under 1475
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) ~~(b)~~, (c), (d), 1476
or (e) of section 4511.19 of the Revised Code had the offender 1477
been charged with and convicted of a violation of section 1478
4511.19 of the Revised Code instead of a violation of the 1479
municipal OVI ordinance, the judge or mayor shall impose as a 1480
condition of the privileges that the offender must display on 1481
the vehicle that is driven subject to the privileges restricted 1482
license plates that are issued under section 4503.231 of the 1483
Revised Code, except as provided in division (B) of that 1484
section. 1485

(8) In any case in which ~~the an offender operates is~~ 1486
required by a court under this section to operate a motor 1487
vehicle that is ~~not~~ equipped with an a certified ignition 1488
interlock device, ~~circumvents the device, or tampers with the~~ 1489
~~device or in any case in which the court receives notice~~ 1490
~~pursuant to section 4510.46 of the Revised Code that a certified~~ 1491
~~ignition interlock device required by an order issued under~~ 1492
~~division (A) (5) (e), (f), or (g) of this section prevented an~~ 1493
~~offender from starting a motor vehicle~~ and either the offender 1494
commits an ignition interlock device violation as defined under 1495
section 4510.46 of the Revised Code or the offender operates a 1496
motor vehicle that is not equipped with a certified ignition 1497
interlock device, the following applies: 1498

(a) If the offender was sentenced under division (G) (1) (a) 1499
or (b) or division (H) of section 4511.19 of the Revised Code, 1500
on a first instance the court may require the offender to wear a 1501
monitor that provides continuous alcohol monitoring that is 1502

remote. On a second instance, the court shall require the 1503
offender to wear a monitor that provides continuous alcohol 1504
monitoring that is remote for a minimum of forty days. On a 1505
third instance or more, the court shall require the offender to 1506
wear a monitor that provides continuous alcohol monitoring that 1507
is remote for a minimum of sixty days. 1508

(b) If the offender was sentenced under division (G) (1) 1509
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 1510
first instance the court shall require the offender to wear a 1511
monitor that provides continuous alcohol monitoring that is 1512
remote for a minimum of forty days. On a second instance or 1513
more, the court shall require the offender to wear a monitor 1514
that provides continuous alcohol monitoring that is remote for a 1515
minimum of sixty days. 1516

(c) The court may increase the period of suspension of the 1517
offender's driver's or commercial driver's license or permit or 1518
nonresident operating privilege from that originally imposed by 1519
the court by a factor of two and may increase the period of time 1520
during which the offender will be prohibited from exercising any 1521
limited driving privileges granted to the offender unless the 1522
vehicles the offender operates are equipped with a certified 1523
ignition interlock device by a factor of two. The limitation 1524
under division (E) of section 4510.46 of the Revised Code 1525
applies to an increase under division (A) (8) (c) of this section. 1526

(d) If the violation occurred within sixty days of the end 1527
of the suspension of the offender's driver's or commercial 1528
driver's license or permit or nonresident operating privilege 1529
and the court does not impose an increase in the period of the 1530
suspension under division (A) (8) (c) of this section, the court 1531
shall proceed as follows: 1532

(i) Issue an order extending the period of suspension and 1533
the grant of limited driving privileges with a required 1534
certified ignition interlock device so that the suspension 1535
terminates sixty days from the date the offender committed that 1536
violation. 1537

(ii) For each violation subsequent to a violation for 1538
which an extension was ordered under division (A) (8) (d) (i) of 1539
this section, issue an order extending the period of suspension 1540
and the grant of limited driving privileges with a required 1541
certified ignition interlock device so that the suspension 1542
terminates sixty days from the date the offender committed that 1543
violation. 1544

The registrar of motor vehicles is prohibited from 1545
reinstating an offender's license unless the applicable period 1546
of suspension has been served and no ignition interlock device 1547
violations have been committed within the sixty days prior to 1548
the application for reinstatement. 1549

(9) At the time the court issues an order under this 1550
section requiring an offender to use an ignition interlock 1551
device, the court shall provide notice to the offender of each 1552
action the court is authorized or required to take under 1553
division (A) (8) of this section if the offender circumvents or 1554
tampers with the device or in any case in which the court 1555
receives notice pursuant to section 4510.46 of the Revised Code 1556
that a device prevented an offender from starting a motor 1557
vehicle. 1558

(10) In any case in which the court issues an order under 1559
this section prohibiting an offender from exercising limited 1560
driving privileges unless the vehicles the offender operates are 1561
equipped with an immobilizing or disabling device, including a 1562

certified ignition interlock device, or requires an offender to 1563
wear a monitor that provides continuous alcohol monitoring that 1564
is remote, the court shall impose an additional court cost of 1565
two dollars and fifty cents upon the offender. The court shall 1566
not waive the payment of the two dollars and fifty cents unless 1567
the court determines that the offender is indigent and waives 1568
the payment of all court costs imposed upon the indigent 1569
offender. The clerk of court shall transmit one hundred per cent 1570
of this mandatory court cost collected during a month on or 1571
before the twenty-third day of the following month to the state 1572
treasury to be credited to the state highway safety fund created 1573
under section 4501.06 of the Revised Code, to be used by the 1574
department of public safety to cover costs associated with 1575
maintaining the habitual OVI/OMWI offender registry created 1576
under section 5502.10 of the Revised Code. In its discretion the 1577
court may impose an additional court cost of two dollars and 1578
fifty cents upon the offender. The clerk of court shall retain 1579
this discretionary two dollar and fifty cent court cost, if 1580
imposed, and shall deposit it in the court's special projects 1581
fund that is established under division (E) (1) of section 1582
2303.201, division (B) (1) of section 1901.26, or division (B) (1) 1583
of section 1907.24 of the Revised Code. 1584

~~(10) In any case in which the court issues an order under 1585
this section prohibiting an offender from exercising limited 1586
driving privileges unless the vehicles the offender operates are 1587
equipped with an immobilizing or disabling device, including a 1588
certified ignition interlock device, the court shall notify the 1589
offender at the time the offender is granted limited driving 1590
privileges that, in accordance with section 4510.46 of the 1591
Revised Code, if the court receives notice that the device 1592
prevented the offender from starting the motor vehicle because 1593~~

~~the device was tampered with or circumvented or because the~~ 1594
~~analysis of the deep lung breath sample or other method employed~~ 1595
~~by the device to measure the concentration by weight of alcohol~~ 1596
~~in the offender's breath indicated the presence of alcohol in~~ 1597
~~the offender's breath in a concentration sufficient to prevent~~ 1598
~~the device from permitting the motor vehicle to be started, the~~ 1599
~~court may increase the period of suspension of the offender's~~ 1600
~~driver's or commercial driver's license or permit or nonresident~~ 1601
~~operating privilege from that originally imposed by the court by~~ 1602
~~a factor of two and may increase the period of time during which~~ 1603
~~the offender will be prohibited from exercising any limited~~ 1604
~~driving privileges granted to the offender unless the vehicles~~ 1605
~~the offender operates are equipped with a certified ignition~~ 1606
~~interlock device by a factor of two.~~ 1607

(B) Any person whose driver's or commercial driver's 1608
license or permit or nonresident operating privilege has been 1609
suspended pursuant to section 4511.19 or 4511.191 of the Revised 1610
Code or under section 4510.07 of the Revised Code for a 1611
violation of a municipal OVI ordinance may file a petition for 1612
limited driving privileges during the suspension. The person 1613
shall file the petition in the court that has jurisdiction over 1614
the place of arrest. Subject to division (A) of this section, 1615
the court may grant the person limited driving privileges during 1616
the period during which the suspension otherwise would be 1617
imposed. However, the court shall not grant the privileges for 1618
employment as a driver of a commercial motor vehicle to any 1619
person who is disqualified from operating a commercial motor 1620
vehicle under section 4506.16 of the Revised Code or during any 1621
of the periods prescribed by division (A) of this section. 1622

(C) (1) After a driver's or commercial driver's license or 1623
permit or nonresident operating privilege has been suspended 1624

pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 1625
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 1626
4549.021, or 5743.99 of the Revised Code, any provision of 1627
Chapter 2925. of the Revised Code, or section 4510.07 of the 1628
Revised Code for a violation of a municipal OVI ordinance, the 1629
judge of the court or mayor of the mayor's court that suspended 1630
the license, permit, or privilege shall cause the offender to 1631
deliver to the court the license or permit. The judge, mayor, or 1632
clerk of the court or mayor's court shall forward to the 1633
registrar the license or permit together with notice of the 1634
action of the court. 1635

(2) A suspension of a commercial driver's license under 1636
any section or chapter identified in division (C)(1) of this 1637
section shall be concurrent with any period of suspension or 1638
disqualification under section 3123.58 or 4506.16 of the Revised 1639
Code. No person who is disqualified for life from holding a 1640
commercial driver's license under section 4506.16 of the Revised 1641
Code shall be issued a driver's license under this chapter 1642
during the period for which the commercial driver's license was 1643
suspended under this section, and no person whose commercial 1644
driver's license is suspended under any section or chapter 1645
identified in division (C)(1) of this section shall be issued a 1646
driver's license under Chapter 4507. of the Revised Code during 1647
the period of the suspension. 1648

(3) No judge or mayor shall suspend any class one 1649
suspension, or any portion of any class one suspension, imposed 1650
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 1651
Revised Code. No judge or mayor shall suspend the first thirty 1652
days of any class two, class three, class four, class five, or 1653
class six suspension imposed under section 2903.06, 2903.08, 1654
2903.11, 2923.02, or 2929.02 of the Revised Code. 1655

(D) The judge of the court or mayor of the mayor's court 1656
shall credit any time during which an offender was subject to an 1657
administrative suspension of the offender's driver's or 1658
commercial driver's license or permit or nonresident operating 1659
privilege imposed pursuant to section 4511.191 or 4511.192 of 1660
the Revised Code or a suspension imposed by a judge, referee, or 1661
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 1662
the Revised Code against the time to be served under a related 1663
suspension imposed pursuant to any section or chapter identified 1664
in division (C) (1) of this section. 1665

(E) The judge or mayor shall notify the bureau of motor 1666
vehicles of any determinations made pursuant to this section and 1667
of any suspension imposed pursuant to any section or chapter 1668
identified in division (C) (1) of this section. 1669

(F) (1) If a court issues an order under this section 1670
granting limited driving privileges and requiring an offender to 1671
use an immobilizing or disabling device ~~order under section~~ 1672
~~4510.43 of the Revised Code~~, the order shall authorize the 1673
offender during the specified period to operate a motor vehicle 1674
only if it is equipped with ~~an immobilizing or disabling~~ such a 1675
device, except as provided in division (C) of ~~that~~ section 1676
4510.43 of the Revised Code. The court shall provide the 1677
offender with a copy of ~~an immobilizing or disabling device~~ the 1678
~~order issued under section 4510.43 of the Revised Code~~, and the 1679
~~offender shall use the copy of the order in lieu of an Ohio~~ 1680
~~driver's or commercial driver's license or permit until the~~ 1681
~~registrar or a deputy registrar issues the offender a restricted~~ 1682
license for purposes of obtaining a restricted license and shall 1683
submit a copy of the order to the registrar of motor vehicles. 1684

~~An order issued under section 4510.43 of the Revised Code~~ 1685

~~does not authorize or permit the offender to whom it has been~~ 1686
~~issued to operate a vehicle during any time that the offender's~~ 1687
~~driver's or commercial driver's license or permit is suspended~~ 1688
~~under any other provision of law.~~ 1689

(2) An offender ~~may~~ shall present the copy of an 1690
immobilizing or disabling device order issued under this section 1691
and a certificate affirming the installation of an immobilizing 1692
or disabling device signed by the person who installed the 1693
device to the registrar or to a deputy registrar. Upon 1694
presentation of the order and certificate to the registrar or a 1695
deputy registrar, the registrar or deputy registrar shall issue 1696
the offender a restricted license, unless the offender's 1697
driver's or commercial driver's license or permit is suspended 1698
under any other provision of law and limited driving privileges 1699
have not been granted with regard to that suspension. A 1700
restricted license issued under this division shall be identical 1701
to an Ohio driver's license, except that it shall have printed 1702
on its face a statement that the offender is prohibited ~~during~~ 1703
~~the period specified in the court order~~ from operating any motor 1704
vehicle that is not equipped with an immobilizing or disabling 1705
device in violation of the order. ~~The date of commencement and~~ 1706
~~the date of termination of the period of suspension shall be~~ 1707
~~indicated conspicuously upon the face of the license.~~ 1708

(3) (a) No person who has been granted limited driving 1709
privileges subject to an immobilizing or disabling device order 1710
under this section shall operate a motor vehicle prior to 1711
obtaining a restricted license. Any person who violates this 1712
prohibition is subject to the penalties prescribed in section 1713
4510.14 of the Revised Code. 1714

(b) The offense established under division (F) (3) (a) of 1715

this section is a strict liability offense and section 2901.20 1716
of the Revised Code does not apply. 1717

Sec. 4510.17. (A) The registrar of motor vehicles shall 1718
impose a class D suspension of the person's driver's license, 1719
commercial driver's license, temporary instruction permit, 1720
probationary license, or nonresident operating privilege for the 1721
period of time specified in division (B) (4) of section 4510.02 1722
of the Revised Code on any person who is a resident of this 1723
state and is convicted of or pleads guilty to a violation of a 1724
statute of any other state or any federal statute that is 1725
substantially similar to section 2925.02, 2925.03, 2925.04, 1726
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 1727
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 1728
2925.37 of the Revised Code. Upon receipt of a report from a 1729
court, court clerk, or other official of any other state or from 1730
any federal authority that a resident of this state was 1731
convicted of or pleaded guilty to an offense described in this 1732
division, the registrar shall send a notice by regular first 1733
class mail to the person, at the person's last known address as 1734
shown in the records of the bureau of motor vehicles, informing 1735
the person of the suspension, that the suspension will take 1736
effect twenty-one days from the date of the notice, and that, if 1737
the person wishes to appeal the suspension or denial, the person 1738
must file a notice of appeal within twenty-one days of the date 1739
of the notice requesting a hearing on the matter. If the person 1740
requests a hearing, the registrar shall hold the hearing not 1741
more than forty days after receipt by the registrar of the 1742
notice of appeal. The filing of a notice of appeal does not stay 1743
the operation of the suspension that must be imposed pursuant to 1744
this division. The scope of the hearing shall be limited to 1745
whether the person actually was convicted of or pleaded guilty 1746

to the offense for which the suspension is to be imposed. 1747

The suspension the registrar is required to impose under 1748
this division shall end either on the last day of the class D 1749
suspension period or of the suspension of the person's 1750
nonresident operating privilege imposed by the state or federal 1751
court, whichever is earlier. 1752

The registrar shall subscribe to or otherwise participate 1753
in any information system or register, or enter into reciprocal 1754
and mutual agreements with other states and federal authorities, 1755
in order to facilitate the exchange of information with other 1756
states and the United States government regarding persons who 1757
plead guilty to or are convicted of offenses described in this 1758
division and therefore are subject to the suspension or denial 1759
described in this division. 1760

(B) The registrar shall impose a class D suspension of the 1761
person's driver's license, commercial driver's license, 1762
temporary instruction permit, probationary license, or 1763
nonresident operating privilege for the period of time specified 1764
in division (B)(4) of section 4510.02 of the Revised Code on any 1765
person who is a resident of this state and is convicted of or 1766
pleads guilty to a violation of a statute of any other state or 1767
a municipal ordinance of a municipal corporation located in any 1768
other state that is substantially similar to section 4511.19 of 1769
the Revised Code. Upon receipt of a report from another state 1770
made pursuant to section 4510.61 of the Revised Code indicating 1771
that a resident of this state was convicted of or pleaded guilty 1772
to an offense described in this division, the registrar shall 1773
send a notice by regular first class mail to the person, at the 1774
person's last known address as shown in the records of the 1775
bureau of motor vehicles, informing the person of the 1776

suspension, that the suspension or denial will take effect 1777
twenty-one days from the date of the notice, and that, if the 1778
person wishes to appeal the suspension, the person must file a 1779
notice of appeal within twenty-one days of the date of the 1780
notice requesting a hearing on the matter. If the person 1781
requests a hearing, the registrar shall hold the hearing not 1782
more than forty days after receipt by the registrar of the 1783
notice of appeal. The filing of a notice of appeal does not stay 1784
the operation of the suspension that must be imposed pursuant to 1785
this division. The scope of the hearing shall be limited to 1786
whether the person actually was convicted of or pleaded guilty 1787
to the offense for which the suspension is to be imposed. 1788

The suspension the registrar is required to impose under 1789
this division shall end either on the last day of the class D 1790
suspension period or of the suspension of the person's 1791
nonresident operating privilege imposed by the state or federal 1792
court, whichever is earlier. 1793

(C) The registrar shall impose a class D suspension of the 1794
child's driver's license, commercial driver's license, temporary 1795
instruction permit, or nonresident operating privilege for the 1796
period of time specified in division (B) (4) of section 4510.02 1797
of the Revised Code on any child who is a resident of this state 1798
and is convicted of or pleads guilty to a violation of a statute 1799
of any other state or any federal statute that is substantially 1800
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1801
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 1802
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 1803
Code. Upon receipt of a report from a court, court clerk, or 1804
other official of any other state or from any federal authority 1805
that a child who is a resident of this state was convicted of or 1806
pleaded guilty to an offense described in this division, the 1807

registrar shall send a notice by regular first class mail to the 1808
child, at the child's last known address as shown in the records 1809
of the bureau of motor vehicles, informing the child of the 1810
suspension, that the suspension or denial will take effect 1811
twenty-one days from the date of the notice, and that, if the 1812
child wishes to appeal the suspension, the child must file a 1813
notice of appeal within twenty-one days of the date of the 1814
notice requesting a hearing on the matter. If the child requests 1815
a hearing, the registrar shall hold the hearing not more than 1816
forty days after receipt by the registrar of the notice of 1817
appeal. The filing of a notice of appeal does not stay the 1818
operation of the suspension that must be imposed pursuant to 1819
this division. The scope of the hearing shall be limited to 1820
whether the child actually was convicted of or pleaded guilty to 1821
the offense for which the suspension is to be imposed. 1822

The suspension the registrar is required to impose under 1823
this division shall end either on the last day of the class D 1824
suspension period or of the suspension of the child's 1825
nonresident operating privilege imposed by the state or federal 1826
court, whichever is earlier. If the child is a resident of this 1827
state who is sixteen years of age or older and does not have a 1828
current, valid Ohio driver's or commercial driver's license or 1829
permit, the notice shall inform the child that the child will be 1830
denied issuance of a driver's or commercial driver's license or 1831
permit for six months beginning on the date of the notice. If 1832
the child has not attained the age of sixteen years on the date 1833
of the notice, the notice shall inform the child that the period 1834
of denial of six months shall commence on the date the child 1835
attains the age of sixteen years. 1836

The registrar shall subscribe to or otherwise participate 1837
in any information system or register, or enter into reciprocal 1838

and mutual agreements with other states and federal authorities, 1839
in order to facilitate the exchange of information with other 1840
states and the United States government regarding children who 1841
are residents of this state and plead guilty to or are convicted 1842
of offenses described in this division and therefore are subject 1843
to the suspension or denial described in this division. 1844

(D) The registrar shall impose a class D suspension of the 1845
child's driver's license, commercial driver's license, temporary 1846
instruction permit, probationary license, or nonresident 1847
operating privilege for the period of time specified in division 1848
(B) (4) of section 4510.02 of the Revised Code on any child who 1849
is a resident of this state and is convicted of or pleads guilty 1850
to a violation of a statute of any other state or a municipal 1851
ordinance of a municipal corporation located in any other state 1852
that is substantially similar to section 4511.19 of the Revised 1853
Code. Upon receipt of a report from another state made pursuant 1854
to section 4510.61 of the Revised Code indicating that a child 1855
who is a resident of this state was convicted of or pleaded 1856
guilty to an offense described in this division, the registrar 1857
shall send a notice by regular first class mail to the child, at 1858
the child's last known address as shown in the records of the 1859
bureau of motor vehicles, informing the child of the suspension, 1860
that the suspension will take effect twenty-one days from the 1861
date of the notice, and that, if the child wishes to appeal the 1862
suspension, the child must file a notice of appeal within 1863
twenty-one days of the date of the notice requesting a hearing 1864
on the matter. If the child requests a hearing, the registrar 1865
shall hold the hearing not more than forty days after receipt by 1866
the registrar of the notice of appeal. The filing of a notice of 1867
appeal does not stay the operation of the suspension that must 1868
be imposed pursuant to this division. The scope of the hearing 1869

shall be limited to whether the child actually was convicted of 1870
or pleaded guilty to the offense for which the suspension is to 1871
be imposed. 1872

The suspension the registrar is required to impose under 1873
this division shall end either on the last day of the class D 1874
suspension period or of the suspension of the child's 1875
nonresident operating privilege imposed by the state or federal 1876
court, whichever is earlier. If the child is a resident of this 1877
state who is sixteen years of age or older and does not have a 1878
current, valid Ohio driver's or commercial driver's license or 1879
permit, the notice shall inform the child that the child will be 1880
denied issuance of a driver's or commercial driver's license or 1881
permit for six months beginning on the date of the notice. If 1882
the child has not attained the age of sixteen years on the date 1883
of the notice, the notice shall inform the child that the period 1884
of denial of six months shall commence on the date the child 1885
attains the age of sixteen years. 1886

(E) (1) Any person whose license or permit has been 1887
suspended pursuant to this section may file a petition in the 1888
municipal or county court, or in case the person is under 1889
eighteen years of age, the juvenile court, in whose jurisdiction 1890
the person resides, agreeing to pay the cost of the proceedings 1891
and alleging that the suspension would seriously affect the 1892
person's ability to continue the person's employment. Upon 1893
satisfactory proof that there is reasonable cause to believe 1894
that the suspension would seriously affect the person's ability 1895
to continue the person's employment, the judge may grant the 1896
person limited driving privileges during the period during which 1897
the suspension otherwise would be imposed, except that the judge 1898
shall not grant limited driving privileges for employment as a 1899
driver of a commercial motor vehicle to any person who would be 1900

disqualified from operating a commercial motor vehicle under 1901
section 4506.16 of the Revised Code if the violation had 1902
occurred in this state, or during any of the following periods 1903
of time: 1904

~~(1)~~ (a) The first fifteen days of a suspension under 1905
division (B) or (D) of this section, if the person has not been 1906
convicted within ~~six~~ ten years of the date of the offense giving 1907
rise to the suspension under this section of a violation of any 1908
of the following: 1909

~~(a)~~ (i) Section 4511.19 of the Revised Code, or a 1910
municipal ordinance relating to operating a vehicle while under 1911
the influence of alcohol, a drug of abuse, or alcohol and a drug 1912
of abuse; 1913

~~(b)~~ (ii) A municipal ordinance relating to operating a 1914
motor vehicle with a prohibited concentration of alcohol, a 1915
controlled substance, or a metabolite of a controlled substance 1916
in the whole blood, blood serum or plasma, breath, or urine; 1917

~~(c)~~ (iii) Section 2903.04 of the Revised Code in a case in 1918
which the person was subject to the sanctions described in 1919
division (D) of that section; 1920

~~(d)~~ (iv) Division (A) (1) of section 2903.06 or division 1921
(A) (1) of section 2903.08 of the Revised Code or a municipal 1922
ordinance that is substantially similar to either of those 1923
divisions; 1924

~~(e)~~ (v) Division (A) (2), (3), or (4) of section 2903.06, 1925
division (A) (2) of section 2903.08, or as it existed prior to 1926
March 23, 2000, section 2903.07 of the Revised Code, or a 1927
municipal ordinance that is substantially similar to any of 1928
those divisions or that former section, in a case in which the 1929

jury or judge found that the person was under the influence of 1930
alcohol, a drug of abuse, or alcohol and a drug of abuse. 1931

~~(2)~~ (b) The first thirty days of a suspension under 1932
division (B) or (D) of this section, if the person has been 1933
convicted one time within ~~six~~ ten years of the date of the 1934
offense giving rise to the suspension under this section of any 1935
violation identified in division (E) (1) (a) of this section. 1936

~~(3)~~ (c) The first one hundred eighty days of a suspension 1937
under division (B) or (D) of this section, if the person has 1938
been convicted two times within ~~six~~ ten years of the date of the 1939
offense giving rise to the suspension under this section of any 1940
violation identified in division (E) (1) (a) of this section. 1941

~~(4)~~ (2) No limited driving privileges may be granted if 1942
the person has been convicted three or more times within five 1943
years of the date of the offense giving rise to a suspension 1944
under division (B) or (D) of this section of any violation 1945
identified in division (E) (1) (a) of this section. 1946

(3) In accordance with section 4510.022 of the Revised 1947
Code, a person may petition for, and a judge may grant, 1948
unlimited driving privileges with a certified ignition interlock 1949
device during the period of suspension imposed under division 1950
(B) or (D) of this section to a person described in division (E) 1951
(1) (a) of this section. 1952

(4) If a person petitions for limited driving privileges 1953
under division (E) (1) of this section or unlimited driving 1954
privileges with a certified ignition interlock device as 1955
provided in division (E) (3) of this section, the registrar shall 1956
be represented by the county prosecutor of the county in which 1957
the person resides if the petition is filed in a juvenile court 1958

or county court, except that if the person resides within a city 1959
or village that is located within the jurisdiction of the county 1960
in which the petition is filed, the city director of law or 1961
village solicitor of that city or village shall represent the 1962
registrar. If the petition is filed in a municipal court, the 1963
registrar shall be represented as provided in section 1901.34 of 1964
the Revised Code. 1965

(5) (a) In issuing an order granting limited driving 1966
privileges under division (E) (1) of this section, the court may 1967
impose any condition it considers reasonable and necessary to 1968
limit the use of a vehicle by the person. The court shall 1969
deliver to the person a ~~permit card, in a form to be prescribed~~ 1970
~~by the court, copy of the order~~ setting forth the time, place, 1971
and other conditions limiting the person's use of a motor 1972
vehicle. ~~The~~ Unless division (E) (5) (b) of this section applies, 1973
the grant of limited driving privileges shall be conditioned 1974
upon the person's having the ~~permit order~~ in the person's 1975
possession at all times during which the person is operating a 1976
vehicle. 1977

(b) If, under the order, the court requires the use of an 1978
immobilizing or disabling device as a condition of the grant of 1979
limited or unlimited driving privileges, the person shall 1980
present the copy of the order granting limited driving 1981
privileges and a certificate affirming the installation of an 1982
immobilizing or disabling device signed by the person who 1983
installed the device to the registrar or to a deputy registrar. 1984
Upon presentation of the order and the certificate to the 1985
registrar or a deputy registrar, the registrar or deputy 1986
registrar shall issue to the offender a restricted license, 1987
unless the offender's driver's or commercial driver's license or 1988
permit is suspended under any other provision of law and limited 1989

driving privileges have not been granted with regard to that 1990
suspension. A restricted license issued under this division 1991
shall be identical to an Ohio driver's license, except that it 1992
shall have printed on its face a statement that the offender is 1993
prohibited from operating any motor vehicle that is not equipped 1994
with an immobilizing or disabling device in violation of the 1995
order. 1996

A-(6) (a) Unless division (E) (6) (b) applies, a person 1997
granted limited driving privileges who operates a vehicle for 1998
other than limited purposes, in violation of any condition 1999
imposed by the court or without having the permit order in the 2000
person's possession, is guilty of a violation of section 4510.11 2001
of the Revised Code. 2002

(b) No person who has been granted limited or unlimited 2003
driving privileges under division (E) of this section subject to 2004
an immobilizing or disabling device order shall operate a motor 2005
vehicle prior to obtaining a restricted license. Any person who 2006
violates this prohibition is subject to the penalties prescribed 2007
in section 4510.14 of the Revised Code. 2008

(c) The offenses established under division (E) (6) of this 2009
section are strict liability offenses and section 2901.20 of the 2010
Revised Code does not apply. 2011

(F) The provisions of division (A) (8) of section 4510.13 2012
of the Revised Code apply to a person who has been granted 2013
limited or unlimited driving privileges with a certified 2014
ignition interlock device under this section and who either 2015
commits an ignition interlock device violation as defined under 2016
section 4510.46 of the Revised Code or operates a motor vehicle 2017
that is not equipped with a certified ignition interlock device. 2018

~~(F)~~-(G) As used in divisions (C) and (D) of this section: 2019

(1) "Child" means a person who is under the age of 2020
eighteen years, except that any person who violates a statute or 2021
ordinance described in division (C) or (D) of this section prior 2022
to attaining eighteen years of age shall be deemed a "child" 2023
irrespective of the person's age at the time the complaint or 2024
other equivalent document is filed in the other state or a 2025
hearing, trial, or other proceeding is held in the other state 2026
on the complaint or other equivalent document, and irrespective 2027
of the person's age when the period of license suspension or 2028
denial prescribed in division (C) or (D) of this section is 2029
imposed. 2030

(2) "Is convicted of or pleads guilty to" means, as it 2031
relates to a child who is a resident of this state, that in a 2032
proceeding conducted in a state or federal court located in 2033
another state for a violation of a statute or ordinance 2034
described in division (C) or (D) of this section, the result of 2035
the proceeding is any of the following: 2036

(a) Under the laws that govern the proceedings of the 2037
court, the child is adjudicated to be or admits to being a 2038
delinquent child or a juvenile traffic offender for a violation 2039
described in division (C) or (D) of this section that would be a 2040
crime if committed by an adult; 2041

(b) Under the laws that govern the proceedings of the 2042
court, the child is convicted of or pleads guilty to a violation 2043
described in division (C) or (D) of this section; 2044

(c) Under the laws that govern the proceedings of the 2045
court, irrespective of the terminology utilized in those laws, 2046
the result of the court's proceedings is the functional 2047

equivalent of division (F) (2) (a) or (b) of this section. 2048

Sec. 4510.43. (A) (1) The director of public safety, upon 2049
consultation with the director of health and in accordance with 2050
Chapter 119. of the Revised Code, shall certify immobilizing and 2051
disabling devices and, subject to section 4510.45 of the Revised 2052
Code, shall publish and make available to the courts, without 2053
charge, a list of licensed manufacturers of ignition interlock 2054
devices and approved devices together with information about the 2055
manufacturers of the devices and where they may be obtained. The 2056
manufacturer of an immobilizing or disabling device shall pay 2057
the cost of obtaining the certification of the device to the 2058
director of public safety, and the director shall deposit the 2059
payment in the indigent drivers alcohol treatment fund 2060
established by section 4511.191 of the Revised Code. 2061

(2) The director of public safety, in accordance with 2062
Chapter 119. of the Revised Code, shall adopt and publish rules 2063
setting forth the requirements for obtaining the certification 2064
of an immobilizing or disabling device. The director of public 2065
safety shall not certify an immobilizing or disabling device 2066
under this section unless it meets the requirements specified 2067
and published by the director in the rules adopted pursuant to 2068
this division. A certified device may consist of an ignition 2069
interlock device, an ignition blocking device initiated by time 2070
or magnetic or electronic encoding, an activity monitor, or any 2071
other device that reasonably assures compliance with an order 2072
granting limited driving privileges. Ignition interlock devices 2073
shall be certified annually. 2074

The requirements for an immobilizing or disabling device 2075
that is an ignition interlock device shall require that the 2076
manufacturer of the device submit to the department of public 2077

safety a certificate from an independent testing laboratory 2078
indicating that the device meets or exceeds the standards of the 2079
national highway traffic safety administration, as defined in 2080
section 4511.19 of the Revised Code, that are in effect at the 2081
time of the director's decision regarding certification of the 2082
device, shall include provisions for setting a minimum and 2083
maximum calibration range, and shall include, but shall not be 2084
limited to, specifications that the device complies with all of 2085
the following: 2086

(a) It does not impede the safe operation of the vehicle. 2087

(b) It has features that make circumvention difficult and 2088
that do not interfere with the normal use of the vehicle, and 2089
the features are operating and functioning. 2090

(c) It correlates well with established measures of 2091
alcohol impairment. 2092

(d) It works accurately and reliably in an unsupervised 2093
environment. 2094

(e) It is resistant to tampering and shows evidence of 2095
tampering if tampering is attempted. 2096

(f) It is difficult to circumvent and requires 2097
premeditation to do so. 2098

(g) It minimizes inconvenience to a sober user. 2099

(h) It requires a proper, deep-lung breath sample or other 2100
accurate measure of the concentration by weight of alcohol in 2101
the breath. 2102

(i) It operates reliably over the range of automobile 2103
environments. 2104

(j) It is made by a manufacturer who is covered by product liability insurance. 2105
2106

(k) Beginning January 1, 2020, it is equipped with a camera. 2107
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(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices. 2109
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(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability. 2114
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(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, a violation of a municipal OVI ordinance, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding the effectiveness of the prototype device and the program. 2121
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(C) If a person has been granted limited or unlimited 2135
driving privileges with a condition of the privileges being that 2136
the motor vehicle that is operated under the privileges must be 2137
equipped with an immobilizing or disabling device, the person 2138
may operate a motor vehicle that is owned by the person's 2139
employer only if the person is required to operate that motor 2140
vehicle in the course and scope of the offender's employment. 2141
Such a person may operate that vehicle without the installation 2142
of an immobilizing or disabling device, provided that the 2143
employer has been notified that the person has limited driving 2144
privileges and of the nature of the restriction and further 2145
provided that the person has proof of the employer's 2146
notification in the person's possession while operating the 2147
employer's vehicle for normal business duties. A motor vehicle 2148
owned by a business that is partly or entirely owned or 2149
controlled by a person with limited driving privileges is not a 2150
motor vehicle owned by an employer, for purposes of this 2151
division. 2152

(D) A person who has been granted limited or unlimited 2153
driving privileges under the condition that the person use a 2154
certified ignition interlock device and who has started a 2155
vehicle through the use of a certified ignition interlock device 2156
is not required to subsequently breathe into the device while 2157
the vehicle is running in order to retest the concentration of 2158
alcohol in the person's breath. 2159

Sec. 4510.44. (A) (1) No offender ~~with~~ who has been granted 2160
limited or unlimited driving privileges, during any period that 2161
the offender is required to operate only a motor vehicle 2162
equipped with an immobilizing or disabling device, shall request 2163
or permit any other person to breathe into the device if it is 2164
an ignition interlock device or another type of device that 2165

monitors the concentration of alcohol in a person's breath or to 2166
otherwise start the motor vehicle equipped with the device, for 2167
the purpose of providing the offender with an operable motor 2168
vehicle. 2169

~~(2) (a) Except as provided in division (A) (2) (b) of this~~ 2170
~~section, no~~ No person shall breathe into an immobilizing or 2171
disabling device that is an ignition interlock device or another 2172
type of device that monitors the concentration of alcohol in a 2173
person's breath or otherwise start a motor vehicle equipped with 2174
an immobilizing or disabling device, for the purpose of 2175
providing an operable motor vehicle to ~~an offender with limited~~ 2176
~~driving privileges who is permitted to~~ another person who has 2177
been granted limited or unlimited driving privileges under the 2178
condition that the person operate only a motor vehicle equipped 2179
with an immobilizing or disabling device. 2180

~~(b) Division (A) (2) (a) of this section does not apply to a~~ 2181
~~person in the following circumstances:~~ 2182

~~(i) The person is an offender with limited driving~~ 2183
~~privileges.~~ 2184

~~(ii) The person breathes into an immobilizing or disabling~~ 2185
~~device that is an ignition interlock device or another type of~~ 2186
~~device that monitors the concentration of alcohol in a person's~~ 2187
~~breath or otherwise starts a motor vehicle equipped with an~~ 2188
~~immobilizing or disabling device.~~ 2189

~~(iii) The person breathes into the device or starts the~~ 2190
~~vehicle for the purpose of providing the person with an operable~~ 2191
~~motor vehicle.~~ 2192

(3) No unauthorized person shall tamper with or circumvent 2193
the operation of an immobilizing or disabling device. 2194

(B) Whoever violates this section is guilty of an 2195
immobilizing or disabling device violation, a misdemeanor of the 2196
first degree. 2197

Sec. 4510.45. (A) (1) A manufacturer of ignition interlock 2198
devices that desires for its devices to be certified under 2199
section 4510.43 of the Revised Code and then to be included on 2200
the list of certified devices that the department of public 2201
safety compiles and makes available to courts pursuant to that 2202
section first shall obtain a license from the department under 2203
this section. The department, in accordance with Chapter 119. of 2204
the Revised Code, shall adopt any rules that are necessary to 2205
implement this licensing requirement. 2206

(2) A manufacturer shall apply to the department for the 2207
license and shall include all information the department may 2208
require by rule. Each application, including an application for 2209
license renewal, shall be accompanied by an application fee of 2210
one hundred dollars, which the department shall deposit into the 2211
state treasury to the credit of the indigent drivers alcohol 2212
treatment fund created by section 4511.191 of the Revised Code. 2213
Each application also shall be accompanied by a signed 2214
agreement, in a form established by the director, affirming that 2215
the manufacturer agrees to install and monitor all devices 2216
produced by that manufacturer and affirming that the 2217
manufacturer agrees to charge a reduced fee, established by the 2218
department, for the installation and monitoring of a device used 2219
by a person who is deemed to be an indigent offender by the 2220
court that granted limited or unlimited driving privileges to 2221
the offender subject to the condition that the offender use a 2222
certified ignition interlock device. 2223

(3) Upon receipt of a completed application, if the 2224

department finds that a manufacturer has complied with all 2225
application requirements, the department shall issue a license 2226
to the manufacturer. A manufacturer that has been issued a 2227
license under this section is eligible immediately to have the 2228
models of ignition interlock devices it produces certified under 2229
section 4510.43 of the Revised Code and then included on the 2230
list of certified devices that the department compiles and makes 2231
available to courts pursuant to that section. 2232

(4) (a) A license issued under this section shall expire 2233
annually on a date selected by the department. The department 2234
shall reject the license application of a manufacturer if any of 2235
the following apply: 2236

(i) The application is not accompanied by the application 2237
fee or the required agreement. 2238

(ii) The department finds that the manufacturer has not 2239
complied with all application requirements. 2240

(iii) The license application is a renewal application and 2241
the manufacturer failed to file the annual report or failed to 2242
pay the fee as required by division (B) of this section. 2243

(iv) The license application is a renewal application and 2244
the manufacturer failed to monitor or report violations as 2245
required under section 4510.46 of the Revised Code. 2246

(b) A manufacturer whose license application is rejected 2247
by the department may appeal the decision to the director of 2248
public safety. The director or the director's designee shall 2249
hold a hearing on the matter not more than thirty days from the 2250
date of the manufacturer's appeal. If the director or the 2251
director's designee upholds the denial of the manufacturer's 2252
application for a license, the manufacturer may appeal the 2253

decision to the Franklin county court of common pleas. If the 2254
director or the director's designee reverses the denial of the 2255
manufacturer's application for a license, the director or the 2256
director's designee shall issue a written order directing that 2257
the department issue a license to the manufacturer. 2258

(B) Every manufacturer of ignition interlock devices that 2259
is issued a license under this section shall file an annual 2260
report with the department on a form the department prescribes 2261
on or before a date the department prescribes. The annual report 2262
shall state the amount of net profit the manufacturer earned 2263
during a twelve-month period specified by the department that is 2264
attributable to the sales of that manufacturer's certified 2265
ignition interlock devices to purchasers in this state. Each 2266
manufacturer shall pay a fee equal to five per cent of the 2267
amount of the net profit described in this division. 2268

The department may permit annual reports to be filed via 2269
electronic means. 2270

(C) The department shall deposit all fees it receives from 2271
manufacturers under this section into the state treasury to the 2272
credit of the indigent drivers alcohol treatment fund created by 2273
section 4511.191 of the Revised Code. All money so deposited 2274
into that fund that is paid by the department of mental health 2275
and addiction services to county indigent drivers alcohol 2276
treatment funds, county juvenile indigent drivers alcohol 2277
treatment funds, and municipal indigent drivers alcohol 2278
treatment funds shall be used only as described in division (H) 2279
(3) of section 4511.191 of the Revised Code. 2280

(D) (1) The director may make an assessment, based on any 2281
information in the director's possession, against any 2282
manufacturer that fails to file an annual report or pay the fee 2283

required by division (B) of this section. The director, in 2284
accordance with Chapter 119. of the Revised Code, shall adopt 2285
rules governing assessments and assessment procedures and 2286
related provisions. In adopting these rules, the director shall 2287
incorporate the provisions of section 5751.09 of the Revised 2288
Code to the greatest extent possible, except that the director 2289
is not required to incorporate any provisions of that section 2290
that by their nature are not applicable, appropriate, or 2291
necessary to assessments made by the director under this 2292
section. 2293

(2) A manufacturer may appeal the final determination of 2294
the director regarding an assessment made by the director under 2295
this section. The director, in accordance with Chapter 119. of 2296
the Revised Code, shall adopt rules governing such appeals. In 2297
adopting these rules, the director shall incorporate the 2298
provisions of section 5717.02 of the Revised Code to the 2299
greatest extent possible, except that the director is not 2300
required to incorporate any provisions of that section that by 2301
their nature are not applicable, appropriate, or necessary to 2302
appeals of assessments made by the director under this section. 2303

(E) The director, in accordance with Chapter 119. of the 2304
Revised Code, shall adopt a penalty schedule setting forth the 2305
monetary penalties to be imposed upon a manufacturer that is 2306
issued a license under this section and fails to file an annual 2307
report or pay the fee required by division (B) of this section 2308
in a timely manner. The penalty amounts shall not exceed the 2309
maximum penalty amounts established in section 5751.06 of the 2310
Revised Code for similar or equivalent facts or circumstances. 2311

(F) (1) No manufacturer of ignition interlock devices that 2312
is required by division (B) of this section to file an annual 2313

report with the department or to pay a fee shall fail to do so 2314
as required by that division. 2315

(2) No manufacturer of ignition interlock devices that is 2316
required by division (B) of this section to file an annual 2317
report with the department shall file a report that contains 2318
incorrect or erroneous information. 2319

(G) Whoever violates division (F) (2) of this section is 2320
guilty of a misdemeanor of the first degree. The department 2321
shall remove from the list of certified devices described in 2322
division (A) (1) of this section the ignition interlock devices 2323
manufactured by a manufacturer that violates division (F) (1) or 2324
(2) of this section. 2325

Sec. 4510.46. (A) As used in this section: 2326

(1) "Offender" means a person who has been granted limited 2327
or unlimited driving privileges by a court of this state subject 2328
to the condition that the person operate only a vehicle with a 2329
certified ignition interlock device under section 4510.021, 2330
4510.022, or 4510.13 of the Revised Code. 2331

(2) "Ignition interlock device violation" means that a 2332
certified ignition interlock device indicates that it has 2333
prevented an offender from starting a motor vehicle because of 2334
either of the following: 2335

(a) The device was tampered with or circumvented; 2336

(b) The analysis of the deep-lung breath sample or other 2337
method employed by the ignition interlock device to measure the 2338
concentration by weight of alcohol in the offender's breath 2339
indicated the presence of alcohol in the offender's breath in a 2340
concentration sufficient to prevent the ignition interlock 2341
device from permitting the motor vehicle to be started. 2342

~~A governmental agency, bureau, department, or office, or a~~ 2343
~~private corporation, or any other entity that monitors~~ (B) The 2344
manufacturer of a certified ignition interlock devices for or on 2345
behalf of a court device shall monitor each device that is 2346
produced by that manufacturer and that has been installed in a 2347
motor vehicle for an offender. The manufacturer also shall 2348
inform the court and the registrar of motor vehicles, as soon as 2349
practicable, whenever such a device that has been installed in a 2350
motor vehicle indicates that it has prevented an offender whose 2351
driver's or commercial driver's license or permit or nonresident 2352
operating privilege has been suspended by a court under division 2353
(G) (1) (a), (b), (c), (d), or (e) of section 4511.19 of the 2354
Revised Code and who has been granted limited driving privileges 2355
under section 4510.13 of the Revised Code from starting the 2356
motor vehicle because the device was tampered with or 2357
circumvented or because the analysis of the deep lung breath 2358
sample or other method employed by the ignition interlock device 2359
to measure the concentration by weight of alcohol in the 2360
offender's breath indicated the presence of alcohol in the 2361
offender's breath in a concentration sufficient to prevent the 2362
ignition interlock device from permitting the motor vehicle to 2363
be started an ignition interlock device violation has occurred. 2364

~~(B)~~ (C) Upon receipt of ~~such~~ information pertaining to an 2365
offender ~~whose driver's or commercial driver's license or permit~~ 2366
~~or nonresident operating privilege has been suspended by a court~~ 2367
~~under division (G) (1) (b), (c), (d), or (e) of section 4511.19 of~~ 2368
~~the Revised Code and who has been granted limited driving~~ 2369
~~privileges under section 4510.13 of the Revised Code~~ under 2370
division (B) of this section, the court shall send a notice to 2371
the offender stating ~~that~~ all of the following: 2372

(1) That it has received evidence of an ~~instance described~~ 2373

~~in division (A) of this section. 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
ignition interlock device violation;~~ 2374
2375
2376
2377

(2) If applicable, that because of this instance violation 2378
the offender is required to wear a monitor that provides for 2379
continuous alcohol monitoring in accordance with division (E) of 2380
section 4510.022, division (A) (8) of section 4510.13, or 2381
division (F) of section 4510.17 of the Revised Code. ~~The notice
shall further state that;~~ 2382
2383

(3) That because of this instance violation the court may 2384
increase the period of suspension of the offender's driver's or 2385
commercial driver's license or permit or nonresident operating 2386
privilege from that originally imposed by the court by a factor 2387
of two and may increase the period of time during which the 2388
offender will be prohibited from exercising any limited or 2389
unlimited driving privileges granted to the offender unless the 2390
vehicles the offender operates are equipped with a certified 2391
ignition interlock device by a factor of two. 2392

~~The notice shall state whether;~~ 2393

(4) Whether the court will impose these is imposing the 2394
increases and, if so, that these increases will take effect 2395
fourteen days from the date of the notice unless the offender 2396
files a timely motion with the court, appealing the increases in 2397
the time described in this division and requesting a hearing on 2398
the matter. under division (C) (3) of this section; 2399

(5) If the violation occurred within sixty days of the end 2400
of the suspension of the offender's driver's or commercial 2401
driver's license or permit or nonresident operating privilege 2402

and the court is not imposing an increase in the period of the 2403
suspension under division (C) (3) of this section, that the court 2404
is increasing the offender's suspension by sixty days as 2405
provided in division (E) (5) of section 4510.022, division (A) (8) 2406
(d) of section 4510.13, or division (F) of section 4510.17 of 2407
the Revised Code; 2408

(6) That the offender may file an appeal of any increase 2409
imposed under division (C) (4) or (5) of this section with the 2410
court within fourteen days of receiving the notice; 2411

(7) That the registrar of motor vehicles is prohibited 2412
from reinstating the offender's license unless the period of 2413
suspension has been served and no ignition interlock device 2414
violations have been committed within the sixty days prior to 2415
the application for reinstatement. 2416

(D) Any ~~such~~ motion that is filed under division (C) (6) of 2417
this section within ~~that the~~ fourteen-day period shall be 2418
considered to be filed in a timely manner, and any such motion 2419
that is filed after that fourteen-day period shall be considered 2420
not to be filed in a timely manner. If the offender files a 2421
timely motion, the court may hold a hearing on the matter. The 2422
scope of the hearing is limited to determining whether the 2423
offender in fact was prevented from starting a motor vehicle 2424
that is equipped with a certified ignition interlock device 2425
because ~~the device was tampered with or circumvented or because~~ 2426
~~the analysis of the deep lung breath sample or other method~~ 2427
~~employed by the ignition interlock device to measure the~~ 2428
~~concentration by weight of alcohol in the offender's breath~~ 2429
~~indicated the presence of alcohol in the offender's breath in a~~ 2430
~~concentration sufficient to prevent the ignition interlock~~ 2431
~~device from permitting the motor vehicle to be started the~~ 2432

offender committed an ignition interlock device violation. 2433

If the court finds by a preponderance of the evidence that 2434
~~this instance as indicated by the ignition interlock device in-~~ 2435
~~fact the violation did occur,~~ it may deny the offender's appeal 2436
~~and issue the order increasing the relevant periods of time-~~ 2437
~~described in this division.~~ If the court finds by a 2438
preponderance of the evidence that ~~this instance as indicated by-~~ 2439
~~the ignition interlock device in fact the violation did not~~ 2440
occur, it shall grant the offender's appeal and ~~no such order-~~ 2441
~~shall be issued~~ shall issue an order terminating the increase of 2442
the offender's suspension. 2443

~~(C)-(E)~~ In no case shall any period of suspension of an 2444
offender's driver's or commercial driver's license or permit or 2445
nonresident operating privilege that is increased by a factor of 2446
two under division (C) (3) of this section or any period of time 2447
during which the offender is prohibited from exercising any 2448
limited driving privileges granted to the offender unless the 2449
vehicles the offender operates are equipped with a certified 2450
ignition interlock device that is increased by a factor of two 2451
under division (C) (3) of this section exceed the maximum period 2452
of time for which the court originally was authorized to suspend 2453
the offender's driver's or commercial driver's license or permit 2454
or nonresident operating privilege under division (G) (1) (a), 2455
(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 2456
This division does not apply when a suspension is increased 2457
under division (C) (5) of this section. 2458

~~(D)-(F)~~ Nothing in this section shall be construed as 2459
prohibiting the court from revoking an individual's driving 2460
privileges. 2461

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 2462

streetcar, or trackless trolley within this state, if, at the 2463
time of the operation, any of the following apply: 2464

(a) The person is under the influence of alcohol, a drug 2465
of abuse, or a combination of them. 2466

(b) The person has a concentration of eight-hundredths of 2467
one per cent or more but less than seventeen-hundredths of one 2468
per cent by weight per unit volume of alcohol in the person's 2469
whole blood. 2470

(c) The person has a concentration of ninety-six- 2471
thousandths of one per cent or more but less than two hundred 2472
four-thousandths of one per cent by weight per unit volume of 2473
alcohol in the person's blood serum or plasma. 2474

(d) The person has a concentration of eight-hundredths of 2475
one gram or more but less than seventeen-hundredths of one gram 2476
by weight of alcohol per two hundred ten liters of the person's 2477
breath. 2478

(e) The person has a concentration of eleven-hundredths of 2479
one gram or more but less than two hundred thirty-eight- 2480
thousandths of one gram by weight of alcohol per one hundred 2481
milliliters of the person's urine. 2482

(f) The person has a concentration of seventeen-hundredths 2483
of one per cent or more by weight per unit volume of alcohol in 2484
the person's whole blood. 2485

(g) The person has a concentration of two hundred four- 2486
thousandths of one per cent or more by weight per unit volume of 2487
alcohol in the person's blood serum or plasma. 2488

(h) The person has a concentration of seventeen-hundredths 2489
of one gram or more by weight of alcohol per two hundred ten 2490

liters of the person's breath. 2491

(i) The person has a concentration of two hundred thirty- 2492
eight-thousandths of one gram or more by weight of alcohol per 2493
one hundred milliliters of the person's urine. 2494

(j) Except as provided in division (K) of this section, 2495
the person has a concentration of any of the following 2496
controlled substances or metabolites of a controlled substance 2497
in the person's whole blood, blood serum or plasma, or urine 2498
that equals or exceeds any of the following: 2499

(i) The person has a concentration of amphetamine in the 2500
person's urine of at least five hundred nanograms of amphetamine 2501
per milliliter of the person's urine or has a concentration of 2502
amphetamine in the person's whole blood or blood serum or plasma 2503
of at least one hundred nanograms of amphetamine per milliliter 2504
of the person's whole blood or blood serum or plasma. 2505

(ii) The person has a concentration of cocaine in the 2506
person's urine of at least one hundred fifty nanograms of 2507
cocaine per milliliter of the person's urine or has a 2508
concentration of cocaine in the person's whole blood or blood 2509
serum or plasma of at least fifty nanograms of cocaine per 2510
milliliter of the person's whole blood or blood serum or plasma. 2511

(iii) The person has a concentration of cocaine metabolite 2512
in the person's urine of at least one hundred fifty nanograms of 2513
cocaine metabolite per milliliter of the person's urine or has a 2514
concentration of cocaine metabolite in the person's whole blood 2515
or blood serum or plasma of at least fifty nanograms of cocaine 2516
metabolite per milliliter of the person's whole blood or blood 2517
serum or plasma. 2518

(iv) The person has a concentration of heroin in the 2519

person's urine of at least two thousand nanograms of heroin per 2520
milliliter of the person's urine or has a concentration of 2521
heroin in the person's whole blood or blood serum or plasma of 2522
at least fifty nanograms of heroin per milliliter of the 2523
person's whole blood or blood serum or plasma. 2524

(v) The person has a concentration of heroin metabolite 2525
(6-monoacetyl morphine) in the person's urine of at least ten 2526
nanograms of heroin metabolite (6-monoacetyl morphine) per 2527
milliliter of the person's urine or has a concentration of 2528
heroin metabolite (6-monoacetyl morphine) in the person's whole 2529
blood or blood serum or plasma of at least ten nanograms of 2530
heroin metabolite (6-monoacetyl morphine) per milliliter of the 2531
person's whole blood or blood serum or plasma. 2532

(vi) The person has a concentration of L.S.D. in the 2533
person's urine of at least twenty-five nanograms of L.S.D. per 2534
milliliter of the person's urine or a concentration of L.S.D. in 2535
the person's whole blood or blood serum or plasma of at least 2536
ten nanograms of L.S.D. per milliliter of the person's whole 2537
blood or blood serum or plasma. 2538

(vii) The person has a concentration of marihuana in the 2539
person's urine of at least ten nanograms of marihuana per 2540
milliliter of the person's urine or has a concentration of 2541
marihuana in the person's whole blood or blood serum or plasma 2542
of at least two nanograms of marihuana per milliliter of the 2543
person's whole blood or blood serum or plasma. 2544

(viii) Either of the following applies: 2545

(I) The person is under the influence of alcohol, a drug 2546
of abuse, or a combination of them, and, as measured by gas 2547
chromatography mass spectrometry, the person has a concentration 2548

of marihuana metabolite in the person's urine of at least 2549
fifteen nanograms of marihuana metabolite per milliliter of the 2550
person's urine or has a concentration of marihuana metabolite in 2551
the person's whole blood or blood serum or plasma of at least 2552
five nanograms of marihuana metabolite per milliliter of the 2553
person's whole blood or blood serum or plasma. 2554

(II) As measured by gas chromatography mass spectrometry, 2555
the person has a concentration of marihuana metabolite in the 2556
person's urine of at least thirty-five nanograms of marihuana 2557
metabolite per milliliter of the person's urine or has a 2558
concentration of marihuana metabolite in the person's whole 2559
blood or blood serum or plasma of at least fifty nanograms of 2560
marihuana metabolite per milliliter of the person's whole blood 2561
or blood serum or plasma. 2562

(ix) The person has a concentration of methamphetamine in 2563
the person's urine of at least five hundred nanograms of 2564
methamphetamine per milliliter of the person's urine or has a 2565
concentration of methamphetamine in the person's whole blood or 2566
blood serum or plasma of at least one hundred nanograms of 2567
methamphetamine per milliliter of the person's whole blood or 2568
blood serum or plasma. 2569

(x) The person has a concentration of phencyclidine in the 2570
person's urine of at least twenty-five nanograms of 2571
phencyclidine per milliliter of the person's urine or has a 2572
concentration of phencyclidine in the person's whole blood or 2573
blood serum or plasma of at least ten nanograms of phencyclidine 2574
per milliliter of the person's whole blood or blood serum or 2575
plasma. 2576

(xi) The state board of pharmacy has adopted a rule 2577
pursuant to section 4729.041 of the Revised Code that specifies 2578

the amount of salvia divinorum and the amount of salvinorin A 2579
that constitute concentrations of salvia divinorum and 2580
salvinorin A in a person's urine, in a person's whole blood, or 2581
in a person's blood serum or plasma at or above which the person 2582
is impaired for purposes of operating any vehicle, streetcar, or 2583
trackless trolley within this state, the rule is in effect, and 2584
the person has a concentration of salvia divinorum or salvinorin 2585
A of at least that amount so specified by rule in the person's 2586
urine, in the person's whole blood, or in the person's blood 2587
serum or plasma. 2588

(2) No person who, within twenty years of the conduct 2589
described in division (A) (2) (a) of this section, previously has 2590
been convicted of or pleaded guilty to a violation of this 2591
division, a violation of division (A) (1) or (B) of this section, 2592
or any other equivalent offense shall do both of the following: 2593

(a) Operate any vehicle, streetcar, or trackless trolley 2594
within this state while under the influence of alcohol, a drug 2595
of abuse, or a combination of them; 2596

(b) Subsequent to being arrested for operating the 2597
vehicle, streetcar, or trackless trolley as described in 2598
division (A) (2) (a) of this section, being asked by a law 2599
enforcement officer to submit to a chemical test or tests under 2600
section 4511.191 of the Revised Code, and being advised by the 2601
officer in accordance with section 4511.192 of the Revised Code 2602
of the consequences of the person's refusal or submission to the 2603
test or tests, refuse to submit to the test or tests. 2604

(B) No person under twenty-one years of age shall operate 2605
any vehicle, streetcar, or trackless trolley within this state, 2606
if, at the time of the operation, any of the following apply: 2607

(1) The person has a concentration of at least two- 2608
hundredths of one per cent but less than eight-hundredths of one 2609
per cent by weight per unit volume of alcohol in the person's 2610
whole blood. 2611

(2) The person has a concentration of at least three- 2612
hundredths of one per cent but less than ninety-six-thousandths 2613
of one per cent by weight per unit volume of alcohol in the 2614
person's blood serum or plasma. 2615

(3) The person has a concentration of at least two- 2616
hundredths of one gram but less than eight-hundredths of one 2617
gram by weight of alcohol per two hundred ten liters of the 2618
person's breath. 2619

(4) The person has a concentration of at least twenty- 2620
eight one-thousandths of one gram but less than eleven- 2621
hundredths of one gram by weight of alcohol per one hundred 2622
milliliters of the person's urine. 2623

(C) In any proceeding arising out of one incident, a 2624
person may be charged with a violation of division (A) (1) (a) or 2625
(A) (2) and a violation of division (B) (1), (2), or (3) of this 2626
section, but the person may not be convicted of more than one 2627
violation of these divisions. 2628

(D) (1) (a) In any criminal prosecution or juvenile court 2629
proceeding for a violation of division (A) (1) (a) of this section 2630
or for an equivalent offense that is vehicle-related, the result 2631
of any test of any blood or urine withdrawn and analyzed at any 2632
health care provider, as defined in section 2317.02 of the 2633
Revised Code, may be admitted with expert testimony to be 2634
considered with any other relevant and competent evidence in 2635
determining the guilt or innocence of the defendant. 2636

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the

withdrawing of blood. 2669

The bodily substance withdrawn under division (D) (1) (b) of 2670
this section shall be analyzed in accordance with methods 2671
approved by the director of health by an individual possessing a 2672
valid permit issued by the director pursuant to section 3701.143 2673
of the Revised Code. 2674

(c) As used in division (D) (1) (b) of this section, 2675
"emergency medical technician-intermediate" and "emergency 2676
medical technician-paramedic" have the same meanings as in 2677
section 4765.01 of the Revised Code. 2678

(2) In a criminal prosecution or juvenile court proceeding 2679
for a violation of division (A) of this section or for an 2680
equivalent offense that is vehicle-related, if there was at the 2681
time the bodily substance was withdrawn a concentration of less 2682
than the applicable concentration of alcohol specified in 2683
divisions (A) (1) (b), (c), (d), and (e) of this section or less 2684
than the applicable concentration of a listed controlled 2685
substance or a listed metabolite of a controlled substance 2686
specified for a violation of division (A) (1) (j) of this section, 2687
that fact may be considered with other competent evidence in 2688
determining the guilt or innocence of the defendant. This 2689
division does not limit or affect a criminal prosecution or 2690
juvenile court proceeding for a violation of division (B) of 2691
this section or for an equivalent offense that is substantially 2692
equivalent to that division. 2693

(3) Upon the request of the person who was tested, the 2694
results of the chemical test shall be made available to the 2695
person or the person's attorney, immediately upon the completion 2696
of the chemical test analysis. 2697

If the chemical test was obtained pursuant to division (D) 2698
(1) (b) of this section, the person tested may have a physician, 2699
a registered nurse, or a qualified technician, chemist, or 2700
phlebotomist of the person's own choosing administer a chemical 2701
test or tests, at the person's expense, in addition to any 2702
administered at the request of a law enforcement officer. If the 2703
person was under arrest as described in division (A) (5) of 2704
section 4511.191 of the Revised Code, the arresting officer 2705
shall advise the person at the time of the arrest that the 2706
person may have an independent chemical test taken at the 2707
person's own expense. If the person was under arrest other than 2708
described in division (A) (5) of section 4511.191 of the Revised 2709
Code, the form to be read to the person to be tested, as 2710
required under section 4511.192 of the Revised Code, shall state 2711
that the person may have an independent test performed at the 2712
person's expense. The failure or inability to obtain an 2713
additional chemical test by a person shall not preclude the 2714
admission of evidence relating to the chemical test or tests 2715
taken at the request of a law enforcement officer. 2716

(4) (a) As used in divisions (D) (4) (b) and (c) of this 2717
section, "national highway traffic safety administration" means 2718
the national highway traffic safety administration established 2719
as an administration of the United States department of 2720
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2721

(b) In any criminal prosecution or juvenile court 2722
proceeding for a violation of division (A) or (B) of this 2723
section, of a municipal ordinance relating to operating a 2724
vehicle while under the influence of alcohol, a drug of abuse, 2725
or alcohol and a drug of abuse, or of a municipal ordinance 2726
relating to operating a vehicle with a prohibited concentration 2727
of alcohol, a controlled substance, or a metabolite of a 2728

controlled substance in the whole blood, blood serum or plasma, 2729
breath, or urine, if a law enforcement officer has administered 2730
a field sobriety test to the operator of the vehicle involved in 2731
the violation and if it is shown by clear and convincing 2732
evidence that the officer administered the test in substantial 2733
compliance with the testing standards for any reliable, 2734
credible, and generally accepted field sobriety tests that were 2735
in effect at the time the tests were administered, including, 2736
but not limited to, any testing standards then in effect that 2737
were set by the national highway traffic safety administration, 2738
all of the following apply: 2739

(i) The officer may testify concerning the results of the 2740
field sobriety test so administered. 2741

(ii) The prosecution may introduce the results of the 2742
field sobriety test so administered as evidence in any 2743
proceedings in the criminal prosecution or juvenile court 2744
proceeding. 2745

(iii) If testimony is presented or evidence is introduced 2746
under division (D) (4) (b) (i) or (ii) of this section and if the 2747
testimony or evidence is admissible under the Rules of Evidence, 2748
the court shall admit the testimony or evidence and the trier of 2749
fact shall give it whatever weight the trier of fact considers 2750
to be appropriate. 2751

(c) Division (D) (4) (b) of this section does not limit or 2752
preclude a court, in its determination of whether the arrest of 2753
a person was supported by probable cause or its determination of 2754
any other matter in a criminal prosecution or juvenile court 2755
proceeding of a type described in that division, from 2756
considering evidence or testimony that is not otherwise 2757
disallowed by division (D) (4) (b) of this section. 2758

(E) (1) Subject to division (E) (3) of this section, in any 2759
criminal prosecution or juvenile court proceeding for a 2760
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 2761
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 2762
an equivalent offense that is substantially equivalent to any of 2763
those divisions, a laboratory report from any laboratory 2764
personnel issued a permit by the department of health 2765
authorizing an analysis as described in this division that 2766
contains an analysis of the whole blood, blood serum or plasma, 2767
breath, urine, or other bodily substance tested and that 2768
contains all of the information specified in this division shall 2769
be admitted as prima-facie evidence of the information and 2770
statements that the report contains. The laboratory report shall 2771
contain all of the following: 2772

(a) The signature, under oath, of any person who performed 2773
the analysis; 2774

(b) Any findings as to the identity and quantity of 2775
alcohol, a drug of abuse, a controlled substance, a metabolite 2776
of a controlled substance, or a combination of them that was 2777
found; 2778

(c) A copy of a notarized statement by the laboratory 2779
director or a designee of the director that contains the name of 2780
each certified analyst or test performer involved with the 2781
report, the analyst's or test performer's employment 2782
relationship with the laboratory that issued the report, and a 2783
notation that performing an analysis of the type involved is 2784
part of the analyst's or test performer's regular duties; 2785

(d) An outline of the analyst's or test performer's 2786
education, training, and experience in performing the type of 2787
analysis involved and a certification that the laboratory 2788

satisfies appropriate quality control standards in general and, 2789
in this particular analysis, under rules of the department of 2790
health. 2791

(2) Notwithstanding any other provision of law regarding 2792
the admission of evidence, a report of the type described in 2793
division (E)(1) of this section is not admissible against the 2794
defendant to whom it pertains in any proceeding, other than a 2795
preliminary hearing or a grand jury proceeding, unless the 2796
prosecutor has served a copy of the report on the defendant's 2797
attorney or, if the defendant has no attorney, on the defendant. 2798

(3) A report of the type described in division (E)(1) of 2799
this section shall not be prima-facie evidence of the contents, 2800
identity, or amount of any substance if, within seven days after 2801
the defendant to whom the report pertains or the defendant's 2802
attorney receives a copy of the report, the defendant or the 2803
defendant's attorney demands the testimony of the person who 2804
signed the report. The judge in the case may extend the seven- 2805
day time limit in the interest of justice. 2806

(F) Except as otherwise provided in this division, any 2807
physician, registered nurse, emergency medical technician- 2808
intermediate, emergency medical technician-paramedic, or 2809
qualified technician, chemist, or phlebotomist who withdraws 2810
blood from a person pursuant to this section or section 4511.191 2811
or 4511.192 of the Revised Code, and any hospital, first-aid 2812
station, or clinic at which blood is withdrawn from a person 2813
pursuant to this section or section 4511.191 or 4511.192 of the 2814
Revised Code, is immune from criminal liability and civil 2815
liability based upon a claim of assault and battery or any other 2816
claim that is not a claim of malpractice, for any act performed 2817
in withdrawing blood from the person. The immunity provided in 2818

this division also extends to an emergency medical service 2819
organization that employs an emergency medical technician- 2820
intermediate or emergency medical technician-paramedic who 2821
withdraws blood under this section. The immunity provided in 2822
this division is not available to a person who withdraws blood 2823
if the person engages in willful or wanton misconduct. 2824

As used in this division, "emergency medical technician- 2825
intermediate" and "emergency medical technician-paramedic" have 2826
the same meanings as in section 4765.01 of the Revised Code. 2827

(G) (1) Whoever violates any provision of divisions (A) (1) 2828
(a) to (i) or (A) (2) of this section is guilty of operating a 2829
vehicle under the influence of alcohol, a drug of abuse, or a 2830
combination of them. Whoever violates division (A) (1) (j) of this 2831
section is guilty of operating a vehicle while under the 2832
influence of a listed controlled substance or a listed 2833
metabolite of a controlled substance. The court shall sentence 2834
the offender for either offense under Chapter 2929. of the 2835
Revised Code, except as otherwise authorized or required by 2836
divisions (G) (1) (a) to (e) of this section: 2837

(a) Except as otherwise provided in division (G) (1) (b), 2838
(c), (d), or (e) of this section, the offender is guilty of a 2839
misdemeanor of the first degree, and the court shall sentence 2840
the offender to all of the following: 2841

(i) If the sentence is being imposed for a violation of 2842
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 2843
a mandatory jail term of three consecutive days. As used in this 2844
division, three consecutive days means seventy-two consecutive 2845
hours. The court may sentence an offender to both an 2846
intervention program and a jail term. The court may impose a 2847
jail term in addition to the three-day mandatory jail term or 2848

intervention program. However, in no case shall the cumulative 2849
jail term imposed for the offense exceed six months. 2850

The court may suspend the execution of the three-day jail 2851
term under this division if the court, in lieu of that suspended 2852
term, places the offender under a community control sanction 2853
pursuant to section 2929.25 of the Revised Code and requires the 2854
offender to attend, for three consecutive days, a drivers' 2855
intervention program certified under section 5119.38 of the 2856
Revised Code. The court also may suspend the execution of any 2857
part of the three-day jail term under this division if it places 2858
the offender under a community control sanction pursuant to 2859
section 2929.25 of the Revised Code for part of the three days, 2860
requires the offender to attend for the suspended part of the 2861
term a drivers' intervention program so certified, and sentences 2862
the offender to a jail term equal to the remainder of the three 2863
consecutive days that the offender does not spend attending the 2864
program. The court may require the offender, as a condition of 2865
community control and in addition to the required attendance at 2866
a drivers' intervention program, to attend and satisfactorily 2867
complete any treatment or education programs that comply with 2868
the minimum standards adopted pursuant to Chapter 5119. of the 2869
Revised Code by the director of mental health and addiction 2870
services that the operators of the drivers' intervention program 2871
determine that the offender should attend and to report 2872
periodically to the court on the offender's progress in the 2873
programs. The court also may impose on the offender any other 2874
conditions of community control that it considers necessary. 2875

(ii) If the sentence is being imposed for a violation of 2876
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2877
section, except as otherwise provided in this division, a 2878
mandatory jail term of at least three consecutive days and a 2879

requirement that the offender attend, for three consecutive 2880
days, a drivers' intervention program that is certified pursuant 2881
to section 5119.38 of the Revised Code. As used in this 2882
division, three consecutive days means seventy-two consecutive 2883
hours. If the court determines that the offender is not 2884
conducive to treatment in a drivers' intervention program, if 2885
the offender refuses to attend a drivers' intervention program, 2886
or if the jail at which the offender is to serve the jail term 2887
imposed can provide a driver's intervention program, the court 2888
shall sentence the offender to a mandatory jail term of at least 2889
six consecutive days. 2890

The court may require the offender, under a community 2891
control sanction imposed under section 2929.25 of the Revised 2892
Code, to attend and satisfactorily complete any treatment or 2893
education programs that comply with the minimum standards 2894
adopted pursuant to Chapter 5119. of the Revised Code by the 2895
director of mental health and addiction services, in addition to 2896
the required attendance at drivers' intervention program, that 2897
the operators of the drivers' intervention program determine 2898
that the offender should attend and to report periodically to 2899
the court on the offender's progress in the programs. The court 2900
also may impose any other conditions of community control on the 2901
offender that it considers necessary. 2902

(iii) In all cases, a fine of not less than three hundred 2903
seventy-five and not more than one thousand seventy-five 2904
dollars; 2905

(iv) In all cases, a ~~class five license~~ suspension of the 2906
offender's driver's or commercial driver's license or permit or 2907
nonresident operating privilege ~~from the range specified in~~ 2908
~~division (A) (5) of section 4510.02 of the Revised Code~~ for a 2909

definite period of one to five years. The court may grant 2910
limited driving privileges relative to the suspension under 2911
sections 4510.021 and 4510.13 of the Revised Code or unlimited 2912
driving privileges with an ignition interlock device under 2913
section 4510.022 of the Revised Code. 2914

(b) Except as otherwise provided in division (G)(1)(e) of 2915
this section, an offender who, within ~~six-ten~~ years of the 2916
offense, previously has been convicted of or pleaded guilty to 2917
one violation of division (A) or (B) of this section or one 2918
other equivalent offense is guilty of a misdemeanor of the first 2919
degree. The court shall sentence the offender to all of the 2920
following: 2921

(i) If the sentence is being imposed for a violation of 2922
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2923
a mandatory jail term of ten consecutive days. The court shall 2924
impose the ten-day mandatory jail term under this division 2925
unless, subject to division (G)(3) of this section, it instead 2926
imposes a sentence under that division consisting of both a jail 2927
term and a term of house arrest with electronic monitoring, with 2928
continuous alcohol monitoring, or with both electronic 2929
monitoring and continuous alcohol monitoring. The court may 2930
impose a jail term in addition to the ten-day mandatory jail 2931
term. The cumulative jail term imposed for the offense shall not 2932
exceed six months. 2933

In addition to the jail term or the term of house arrest 2934
with electronic monitoring or continuous alcohol monitoring or 2935
both types of monitoring and jail term, the court shall require 2936
the offender to be assessed by a community addiction services 2937
provider that is authorized by section 5119.21 of the Revised 2938
Code, subject to division (I) of this section, and shall order 2939

the offender to follow the treatment recommendations of the 2940
services provider. The purpose of the assessment is to determine 2941
the degree of the offender's alcohol usage and to determine 2942
whether or not treatment is warranted. Upon the request of the 2943
court, the services provider shall submit the results of the 2944
assessment to the court, including all treatment recommendations 2945
and clinical diagnoses related to alcohol use. 2946

(ii) If the sentence is being imposed for a violation of 2947
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2948
section, except as otherwise provided in this division, a 2949
mandatory jail term of twenty consecutive days. The court shall 2950
impose the twenty-day mandatory jail term under this division 2951
unless, subject to division (G)(3) of this section, it instead 2952
imposes a sentence under that division consisting of both a jail 2953
term and a term of house arrest with electronic monitoring, with 2954
continuous alcohol monitoring, or with both electronic 2955
monitoring and continuous alcohol monitoring. The court may 2956
impose a jail term in addition to the twenty-day mandatory jail 2957
term. The cumulative jail term imposed for the offense shall not 2958
exceed six months. 2959

In addition to the jail term or the term of house arrest 2960
with electronic monitoring or continuous alcohol monitoring or 2961
both types of monitoring and jail term, the court shall require 2962
the offender to be assessed by a community addiction service 2963
provider that is authorized by section 5119.21 of the Revised 2964
Code, subject to division (I) of this section, and shall order 2965
the offender to follow the treatment recommendations of the 2966
services provider. The purpose of the assessment is to determine 2967
the degree of the offender's alcohol usage and to determine 2968
whether or not treatment is warranted. Upon the request of the 2969
court, the services provider shall submit the results of the 2970

assessment to the court, including all treatment recommendations 2971
and clinical diagnoses related to alcohol use. 2972

(iii) In all cases, notwithstanding the fines set forth in 2973
Chapter 2929. of the Revised Code, a fine of not less than five 2974
hundred twenty-five and not more than one thousand six hundred 2975
twenty-five dollars; 2976

(iv) In all cases, a ~~class four license~~ suspension of the 2977
offender's driver's license, commercial driver's license, 2978
temporary instruction permit, probationary license, or 2979
nonresident operating privilege ~~from the range specified in~~ 2980
~~division (A) (4) of section 4510.02 of the Revised Code~~ for a 2981
definite period of one to seven years. The court may grant 2982
limited driving privileges relative to the suspension under 2983
sections 4510.021 and 4510.13 of the Revised Code. 2984

(v) In all cases, if the vehicle is registered in the 2985
offender's name, immobilization of the vehicle involved in the 2986
offense for ninety days in accordance with section 4503.233 of 2987
the Revised Code and impoundment of the license plates of that 2988
vehicle for ninety days. 2989

(c) Except as otherwise provided in division (G) (1) (e) of 2990
this section, an offender who, within ~~six~~ ten years of the 2991
offense, previously has been convicted of or pleaded guilty to 2992
two violations of division (A) or (B) of this section or other 2993
equivalent offenses is guilty of a misdemeanor. The court shall 2994
sentence the offender to all of the following: 2995

(i) If the sentence is being imposed for a violation of 2996
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 2997
a mandatory jail term of thirty consecutive days. The court 2998
shall impose the thirty-day mandatory jail term under this 2999

division unless, subject to division (G) (3) of this section, it 3000
instead imposes a sentence under that division consisting of 3001
both a jail term and a term of house arrest with electronic 3002
monitoring, with continuous alcohol monitoring, or with both 3003
electronic monitoring and continuous alcohol monitoring. The 3004
court may impose a jail term in addition to the thirty-day 3005
mandatory jail term. Notwithstanding the jail terms set forth in 3006
sections 2929.21 to 2929.28 of the Revised Code, the additional 3007
jail term shall not exceed one year, and the cumulative jail 3008
term imposed for the offense shall not exceed one year. 3009

(ii) If the sentence is being imposed for a violation of 3010
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3011
section, a mandatory jail term of sixty consecutive days. The 3012
court shall impose the sixty-day mandatory jail term under this 3013
division unless, subject to division (G) (3) of this section, it 3014
instead imposes a sentence under that division consisting of 3015
both a jail term and a term of house arrest with electronic 3016
monitoring, with continuous alcohol monitoring, or with both 3017
electronic monitoring and continuous alcohol monitoring. The 3018
court may impose a jail term in addition to the sixty-day 3019
mandatory jail term. Notwithstanding the jail terms set forth in 3020
sections 2929.21 to 2929.28 of the Revised Code, the additional 3021
jail term shall not exceed one year, and the cumulative jail 3022
term imposed for the offense shall not exceed one year. 3023

(iii) In all cases, notwithstanding the fines set forth in 3024
Chapter 2929. of the Revised Code, a fine of not less than eight 3025
hundred fifty and not more than two thousand seven hundred fifty 3026
dollars; 3027

(iv) In all cases, a ~~class three license~~ suspension of the 3028
offender's driver's license, commercial driver's license, 3029

temporary instruction permit, probationary license, or 3030
nonresident operating privilege ~~from the range specified in~~ 3031
~~division (A) (3) of section 4510.02 of the Revised Code~~for a 3032
definite period of two to twelve years. The court may grant 3033
limited driving privileges relative to the suspension under 3034
sections 4510.021 and 4510.13 of the Revised Code. 3035

(v) In all cases, if the vehicle is registered in the 3036
offender's name, criminal forfeiture of the vehicle involved in 3037
the offense in accordance with section 4503.234 of the Revised 3038
Code. Division (G) (6) of this section applies regarding any 3039
vehicle that is subject to an order of criminal forfeiture under 3040
this division. 3041

(vi) In all cases, the court shall order the offender to 3042
participate with a community addiction services provider 3043
authorized by section 5119.21 of the Revised Code, subject to 3044
division (I) of this section, and shall order the offender to 3045
follow the treatment recommendations of the services provider. 3046
The operator of the services provider shall determine and assess 3047
the degree of the offender's alcohol dependency and shall make 3048
recommendations for treatment. Upon the request of the court, 3049
the services provider shall submit the results of the assessment 3050
to the court, including all treatment recommendations and 3051
clinical diagnoses related to alcohol use. 3052

(d) Except as otherwise provided in division (G) (1) (e) of 3053
this section, an offender who, within ~~six~~ten years of the 3054
offense, previously has been convicted of or pleaded guilty to 3055
three or four violations of division (A) or (B) of this section 3056
or other equivalent offenses or an offender who, within twenty 3057
years of the offense, previously has been convicted of or 3058
pleaded guilty to five or more violations of that nature is 3059

guilty of a felony of the fourth degree. The court shall 3060
sentence the offender to all of the following: 3061

(i) If the sentence is being imposed for a violation of 3062
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3063
a mandatory prison term of one, two, three, four, or five years 3064
as required by and in accordance with division (G)(2) of section 3065
2929.13 of the Revised Code if the offender also is convicted of 3066
or also pleads guilty to a specification of the type described 3067
in section 2941.1413 of the Revised Code or, in the discretion 3068
of the court, either a mandatory term of local incarceration of 3069
sixty consecutive days in accordance with division (G)(1) of 3070
section 2929.13 of the Revised Code or a mandatory prison term 3071
of sixty consecutive days in accordance with division (G)(2) of 3072
that section if the offender is not convicted of and does not 3073
plead guilty to a specification of that type. If the court 3074
imposes a mandatory term of local incarceration, it may impose a 3075
jail term in addition to the sixty-day mandatory term, the 3076
cumulative total of the mandatory term and the jail term for the 3077
offense shall not exceed one year, and, except as provided in 3078
division (A)(1) of section 2929.13 of the Revised Code, no 3079
prison term is authorized for the offense. If the court imposes 3080
a mandatory prison term, notwithstanding division (A)(4) of 3081
section 2929.14 of the Revised Code, it also may sentence the 3082
offender to a definite prison term that shall be not less than 3083
six months and not more than thirty months and the prison terms 3084
shall be imposed as described in division (G)(2) of section 3085
2929.13 of the Revised Code. If the court imposes a mandatory 3086
prison term or mandatory prison term and additional prison term, 3087
in addition to the term or terms so imposed, the court also may 3088
sentence the offender to a community control sanction for the 3089
offense, but the offender shall serve all of the prison terms so 3090

imposed prior to serving the community control sanction. 3091

(ii) If the sentence is being imposed for a violation of 3092
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3093
section, a mandatory prison term of one, two, three, four, or 3094
five years as required by and in accordance with division (G)(2) 3095
of section 2929.13 of the Revised Code if the offender also is 3096
convicted of or also pleads guilty to a specification of the 3097
type described in section 2941.1413 of the Revised Code or, in 3098
the discretion of the court, either a mandatory term of local 3099
incarceration of one hundred twenty consecutive days in 3100
accordance with division (G)(1) of section 2929.13 of the 3101
Revised Code or a mandatory prison term of one hundred twenty 3102
consecutive days in accordance with division (G)(2) of that 3103
section if the offender is not convicted of and does not plead 3104
guilty to a specification of that type. If the court imposes a 3105
mandatory term of local incarceration, it may impose a jail term 3106
in addition to the one hundred twenty-day mandatory term, the 3107
cumulative total of the mandatory term and the jail term for the 3108
offense shall not exceed one year, and, except as provided in 3109
division (A)(1) of section 2929.13 of the Revised Code, no 3110
prison term is authorized for the offense. If the court imposes 3111
a mandatory prison term, notwithstanding division (A)(4) of 3112
section 2929.14 of the Revised Code, it also may sentence the 3113
offender to a definite prison term that shall be not less than 3114
six months and not more than thirty months and the prison terms 3115
shall be imposed as described in division (G)(2) of section 3116
2929.13 of the Revised Code. If the court imposes a mandatory 3117
prison term or mandatory prison term and additional prison term, 3118
in addition to the term or terms so imposed, the court also may 3119
sentence the offender to a community control sanction for the 3120
offense, but the offender shall serve all of the prison terms so 3121

imposed prior to serving the community control sanction. 3122

(iii) In all cases, notwithstanding section 2929.18 of the 3123
Revised Code, a fine of not less than one thousand three hundred 3124
fifty nor more than ten thousand five hundred dollars; 3125

(iv) In all cases, a class two license suspension of the 3126
offender's driver's license, commercial driver's license, 3127
temporary instruction permit, probationary license, or 3128
nonresident operating privilege from the range specified in 3129
division (A)(2) of section 4510.02 of the Revised Code. The 3130
court may grant limited driving privileges relative to the 3131
suspension under sections 4510.021 and 4510.13 of the Revised 3132
Code. 3133

(v) In all cases, if the vehicle is registered in the 3134
offender's name, criminal forfeiture of the vehicle involved in 3135
the offense in accordance with section 4503.234 of the Revised 3136
Code. Division (G)(6) of this section applies regarding any 3137
vehicle that is subject to an order of criminal forfeiture under 3138
this division. 3139

(vi) In all cases, the court shall order the offender to 3140
participate with a community addiction services provider 3141
authorized by section 5119.21 of the Revised Code, subject to 3142
division (I) of this section, and shall order the offender to 3143
follow the treatment recommendations of the services provider. 3144
The operator of the services provider shall determine and assess 3145
the degree of the offender's alcohol dependency and shall make 3146
recommendations for treatment. Upon the request of the court, 3147
the services provider shall submit the results of the assessment 3148
to the court, including all treatment recommendations and 3149
clinical diagnoses related to alcohol use. 3150

(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.

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

(i) If the offender is being sentenced 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 a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, 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 control sanction.

(ii) If the sentence is being imposed for a violation of 3182
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3183
section, a mandatory prison term of one, two, three, four, or 3184
five years as required by and in accordance with division (G)(2) 3185
of section 2929.13 of the Revised Code if the offender also is 3186
convicted of or also pleads guilty to a specification of the 3187
type described in section 2941.1413 of the Revised Code or a 3188
mandatory prison term of one hundred twenty consecutive days in 3189
accordance with division (G)(2) of section 2929.13 of the 3190
Revised Code if the offender is not convicted of and does not 3191
plead guilty to a specification of that type. The court may 3192
impose a prison term in addition to the mandatory prison term. 3193
The cumulative total of a one hundred twenty-day mandatory 3194
prison term and the additional prison term for the offense shall 3195
not exceed five years. In addition to the mandatory prison term 3196
or mandatory prison term and additional prison term the court 3197
imposes, the court also may sentence the offender to a community 3198
control sanction for the offense, but the offender shall serve 3199
all of the prison terms so imposed prior to serving the 3200
community control sanction. 3201

(iii) In all cases, notwithstanding section 2929.18 of the 3202
Revised Code, a fine of not less than one thousand three hundred 3203
fifty nor more than ten thousand five hundred dollars; 3204

(iv) In all cases, a class two license suspension of the 3205
offender's driver's license, commercial driver's license, 3206
temporary instruction permit, probationary license, or 3207
nonresident operating privilege from the range specified in 3208
division (A)(2) of section 4510.02 of the Revised Code. The 3209
court may grant limited driving privileges relative to the 3210
suspension under sections 4510.021 and 4510.13 of the Revised 3211
Code. 3212

(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, the court shall order the offender to participate with a community addiction services provider authorized by section 5119.21 of the Revised Code, subject to division (I) of this section, and shall order the offender to follow the treatment recommendations of the services provider. The operator of the services provider 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 services provider shall submit the results of the assessment to the court, including all treatment recommendations and clinical diagnoses related to alcohol use.

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

(3) If an offender is sentenced to a jail term under division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to

begin serving that term within the sixty-day period following 3243
the date of sentencing, the court may impose an alternative 3244
sentence under this division that includes a term of house 3245
arrest with electronic monitoring, with continuous alcohol 3246
monitoring, or with both electronic monitoring and continuous 3247
alcohol monitoring. 3248

As an alternative to a mandatory jail term of ten 3249
consecutive days required by division (G) (1) (b) (i) of this 3250
section, the court, under this division, may sentence the 3251
offender to five consecutive days in jail and not less than 3252
eighteen consecutive days of house arrest with electronic 3253
monitoring, with continuous alcohol monitoring, or with both 3254
electronic monitoring and continuous alcohol monitoring. The 3255
cumulative total of the five consecutive days in jail and the 3256
period of house arrest with electronic monitoring, continuous 3257
alcohol monitoring, or both types of monitoring shall not exceed 3258
six months. The five consecutive days in jail do not have to be 3259
served prior to or consecutively to the period of house arrest. 3260

As an alternative to the mandatory jail term of twenty 3261
consecutive days required by division (G) (1) (b) (ii) of this 3262
section, the court, under this division, may sentence the 3263
offender to ten consecutive days in jail and not less than 3264
thirty-six consecutive days of house arrest with electronic 3265
monitoring, with continuous alcohol monitoring, or with both 3266
electronic monitoring and continuous alcohol monitoring. The 3267
cumulative total of the ten consecutive days in jail and the 3268
period of house arrest with electronic monitoring, continuous 3269
alcohol monitoring, or both types of monitoring shall not exceed 3270
six months. The ten consecutive days in jail do not have to be 3271
served prior to or consecutively to the period of house arrest. 3272

As an alternative to a mandatory jail term of thirty 3273
consecutive days required by division (G)(1)(c)(i) of this 3274
section, the court, under this division, may sentence the 3275
offender to fifteen consecutive days in jail and not less than 3276
fifty-five consecutive days of house arrest with electronic 3277
monitoring, with continuous alcohol monitoring, or with both 3278
electronic monitoring and continuous alcohol monitoring. The 3279
cumulative total of the fifteen consecutive days in jail and the 3280
period of house arrest with electronic monitoring, continuous 3281
alcohol monitoring, or both types of monitoring shall not exceed 3282
one year. The fifteen consecutive days in jail do not have to be 3283
served prior to or consecutively to the period of house arrest. 3284

As an alternative to the mandatory jail term of sixty 3285
consecutive days required by division (G)(1)(c)(ii) of this 3286
section, the court, under this division, may sentence the 3287
offender to thirty consecutive days in jail and not less than 3288
one hundred ten consecutive days of house arrest with electronic 3289
monitoring, with continuous alcohol monitoring, or with both 3290
electronic monitoring and continuous alcohol monitoring. The 3291
cumulative total of the thirty consecutive days in jail and the 3292
period of house arrest with electronic monitoring, continuous 3293
alcohol monitoring, or both types of monitoring shall not exceed 3294
one year. The thirty consecutive days in jail do not have to be 3295
served prior to or consecutively to the period of house arrest. 3296

(4) If an offender's driver's or occupational driver's 3297
license or permit or nonresident operating privilege is 3298
suspended under division (G) of this section and if section 3299
4510.13 of the Revised Code permits the court to grant limited 3300
driving privileges, the court may grant the limited driving 3301
privileges in accordance with that section. If division (A)(7) 3302
of that section requires that the court impose as a condition of 3303

the privileges that the offender must display on the vehicle 3304
that is driven subject to the privileges restricted license 3305
plates that are issued under section 4503.231 of the Revised 3306
Code, except as provided in division (B) of that section, the 3307
court shall impose that condition as one of the conditions of 3308
the limited driving privileges granted to the offender, except 3309
as provided in division (B) of section 4503.231 of the Revised 3310
Code. 3311

(5) Fines imposed under this section for a violation of 3312
division (A) of this section shall be distributed as follows: 3313

(a) Twenty-five dollars of the fine imposed under division 3314
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 3315
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 3316
fine imposed under division (G) (1) (c) (iii), and two hundred ten 3317
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 3318
(iii) of this section shall be paid to an enforcement and 3319
education fund established by the legislative authority of the 3320
law enforcement agency in this state that primarily was 3321
responsible for the arrest of the offender, as determined by the 3322
court that imposes the fine. The agency shall use this share to 3323
pay only those costs it incurs in enforcing this section or a 3324
municipal OVI ordinance and in informing the public of the laws 3325
governing the operation of a vehicle while under the influence 3326
of alcohol, the dangers of the operation of a vehicle under the 3327
influence of alcohol, and other information relating to the 3328
operation of a vehicle under the influence of alcohol and the 3329
consumption of alcoholic beverages. 3330

(b) Fifty dollars of the fine imposed under division (G) 3331
(1) (a) (iii) of this section shall be paid to the political 3332
subdivision that pays the cost of housing the offender during 3333

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

(c) Twenty-five dollars of the fine imposed under division 3348
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 3349
division (G) (1) (b) (iii) of this section shall be deposited into 3350
the county or municipal indigent drivers' alcohol treatment fund 3351
under the control of that court, as created by the county or 3352
municipal corporation under division (F) of section 4511.191 of 3353
the Revised Code. 3354

(d) One hundred fifteen dollars of the fine imposed under 3355
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 3356
the fine imposed under division (G) (1) (c) (iii), and four hundred 3357
forty dollars of the fine imposed under division (G) (1) (d) (iii) 3358
or (e) (iii) of this section shall be paid to the political 3359
subdivision that pays the cost of housing the offender during 3360
the offender's term of incarceration. The political subdivision 3361
shall use this share to pay or reimburse incarceration or 3362
treatment costs it incurs in housing or providing drug and 3363
alcohol treatment to persons who violate this section or a 3364

municipal OVI ordinance, costs for any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

(e) Fifty dollars of the fine imposed under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and (G) (1) (e) (iii) of this section shall be deposited into the special projects fund of the court in which the offender was convicted and that is established under division (E) (1) of section 2303.201, division (B) (1) of section 1901.26, or division (B) (1) of section 1907.24 of the Revised Code, to be used exclusively to cover the cost of immobilizing or disabling devices, including certified ignition interlock devices, and remote alcohol monitoring devices for indigent offenders who are required by a judge to use either of these devices. If the court in which the offender was convicted does not have a special projects fund that is established under division (E) (1) of section 2303.201, division (B) (1) of section 1901.26, or division (B) (1) of section 1907.24 of the Revised Code, the fifty dollars shall be deposited into the indigent drivers interlock and alcohol monitoring fund under division (I) of section 4511.191 of the Revised Code.

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

(g) The balance of the fine imposed under division (G) (1) 3395
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 3396
section shall be disbursed as otherwise provided by law. 3397

(6) If title to a motor vehicle that is subject to an 3398
order of criminal forfeiture under division (G) (1) (c), (d), or 3399
(e) of this section is assigned or transferred and division (B) 3400
(2) or (3) of section 4503.234 of the Revised Code applies, in 3401
addition to or independent of any other penalty established by 3402
law, the court may fine the offender the value of the vehicle as 3403
determined by publications of the national automobile dealers 3404
association. The proceeds of any fine so imposed shall be 3405
distributed in accordance with division (C) (2) of that section. 3406

(7) In all cases in which an offender is sentenced under 3407
division (G) of this section, the offender shall provide the 3408
court with proof of financial responsibility as defined in 3409
section 4509.01 of the Revised Code. If the offender fails to 3410
provide that proof of financial responsibility, the court, in 3411
addition to any other penalties provided by law, may order 3412
restitution pursuant to section 2929.18 or 2929.28 of the 3413
Revised Code in an amount not exceeding five thousand dollars 3414
for any economic loss arising from an accident or collision that 3415
was the direct and proximate result of the offender's operation 3416
of the vehicle before, during, or after committing the offense 3417
for which the offender is sentenced under division (G) of this 3418
section. 3419

(8) As used in division (G) of this section, "electronic 3420
monitoring," "mandatory prison term," and "mandatory term of 3421
local incarceration" have the same meanings as in section 3422
2929.01 of the Revised Code. 3423

(H) Whoever violates division (B) of this section is 3424

guilty of operating a vehicle after underage alcohol consumption 3425
and shall be punished as follows: 3426

(1) Except as otherwise provided in division (H) (2) of 3427
this section, the offender is guilty of a misdemeanor of the 3428
fourth degree. In addition to any other sanction imposed for the 3429
offense, the court shall impose a class six suspension of the 3430
offender's driver's license, commercial driver's license, 3431
temporary instruction permit, probationary license, or 3432
nonresident operating privilege from the range specified in 3433
division (A) (6) of section 4510.02 of the Revised Code. The 3434
court may grant limited driving privileges relative to the 3435
suspension under sections 4510.021 and 4510.13 of the Revised 3436
Code or unlimited driving privileges with an ignition interlock 3437
device under section 4510.022 of the Revised Code. 3438

(2) If, within one year of the offense, the offender 3439
previously has been convicted of or pleaded guilty to one or 3440
more violations of division (A) or (B) of this section or other 3441
equivalent offenses, the offender is guilty of a misdemeanor of 3442
the third degree. In addition to any other sanction imposed for 3443
the offense, the court shall impose a class four suspension of 3444
the offender's driver's license, commercial driver's license, 3445
temporary instruction permit, probationary license, or 3446
nonresident operating privilege from the range specified in 3447
division (A) (4) of section 4510.02 of the Revised Code. The 3448
court may grant limited driving privileges relative to the 3449
suspension under sections 4510.021 and 4510.13 of the Revised 3450
Code. 3451

(3) If the offender also is convicted of or also pleads 3452
guilty to a specification of the type described in section 3453
2941.1416 of the Revised Code and if the court imposes a jail 3454

term for the violation of division (B) of this section, the 3455
court shall impose upon the offender an additional definite jail 3456
term pursuant to division (E) of section 2929.24 of the Revised 3457
Code. 3458

(4) The offender shall provide the court with proof of 3459
financial responsibility as defined in section 4509.01 of the 3460
Revised Code. If the offender fails to provide that proof of 3461
financial responsibility, then, in addition to any other 3462
penalties provided by law, the court may order restitution 3463
pursuant to section 2929.28 of the Revised Code in an amount not 3464
exceeding five thousand dollars for any economic loss arising 3465
from an accident or collision that was the direct and proximate 3466
result of the offender's operation of the vehicle before, 3467
during, or after committing the violation of division (B) of 3468
this section. 3469

(I) (1) No court shall sentence an offender to an alcohol 3470
treatment program under this section unless the treatment 3471
program complies with the minimum standards for alcohol 3472
treatment programs adopted under Chapter 5119. of the Revised 3473
Code by the director of mental health and addiction services. 3474

(2) An offender who stays in a drivers' intervention 3475
program or in an alcohol treatment program under an order issued 3476
under this section shall pay the cost of the stay in the 3477
program. However, if the court determines that an offender who 3478
stays in an alcohol treatment program under an order issued 3479
under this section is unable to pay the cost of the stay in the 3480
program, the court may order that the cost be paid from the 3481
court's indigent drivers' alcohol treatment fund. 3482

(J) If a person whose driver's or commercial driver's 3483
license or permit or nonresident operating privilege is 3484

suspended under this section files an appeal regarding any 3485
aspect of the person's trial or sentence, the appeal itself does 3486
not stay the operation of the suspension. 3487

(K) Division (A)(1)(j) of this section does not apply to a 3488
person who operates a vehicle, streetcar, or trackless trolley 3489
while the person has a concentration of a listed controlled 3490
substance or a listed metabolite of a controlled substance in 3491
the person's whole blood, blood serum or plasma, or urine that 3492
equals or exceeds the amount specified in that division, if both 3493
of the following apply: 3494

(1) The person obtained the controlled substance pursuant 3495
to a prescription issued by a licensed health professional 3496
authorized to prescribe drugs. 3497

(2) The person injected, ingested, or inhaled the 3498
controlled substance in accordance with the health 3499
professional's directions. 3500

(L) The prohibited concentrations of a controlled 3501
substance or a metabolite of a controlled substance listed in 3502
division (A)(1)(j) of this section also apply in a prosecution 3503
of a violation of division (D) of section 2923.16 of the Revised 3504
Code in the same manner as if the offender is being prosecuted 3505
for a prohibited concentration of alcohol. 3506

(M) All terms defined in section 4510.01 of the Revised 3507
Code apply to this section. If the meaning of a term defined in 3508
section 4510.01 of the Revised Code conflicts with the meaning 3509
of the same term as defined in section 4501.01 or 4511.01 of the 3510
Revised Code, the term as defined in section 4510.01 of the 3511
Revised Code applies to this section. 3512

(N) (1) The Ohio Traffic Rules in effect on January 1, 3513

2004, as adopted by the supreme court under authority of section 3514
2937.46 of the Revised Code, do not apply to felony violations 3515
of this section. Subject to division (N) (2) of this section, the 3516
Rules of Criminal Procedure apply to felony violations of this 3517
section. 3518

(2) If, on or after January 1, 2004, the supreme court 3519
modifies the Ohio Traffic Rules to provide procedures to govern 3520
felony violations of this section, the modified rules shall 3521
apply to felony violations of this section. 3522

Sec. 4511.191. (A) (1) As used in this section: 3523

(a) "Physical control" has the same meaning as in section 3524
4511.194 of the Revised Code. 3525

(b) "Alcohol monitoring device" means any device that 3526
provides for continuous alcohol monitoring, any ignition 3527
interlock device, any immobilizing or disabling device other 3528
than an ignition interlock device that is constantly available 3529
to monitor the concentration of alcohol in a person's system, or 3530
any other device that provides for the automatic testing and 3531
periodic reporting of alcohol consumption by a person and that a 3532
court orders a person to use as a sanction imposed as a result 3533
of the person's conviction of or plea of guilty to an offense. 3534

(c) "Community addiction services provider" has the same 3535
meaning as in section 5119.01 of the Revised Code. 3536

(2) Any person who operates a vehicle, streetcar, or 3537
trackless trolley upon a highway or any public or private 3538
property used by the public for vehicular travel or parking 3539
within this state or who is in physical control of a vehicle, 3540
streetcar, or trackless trolley shall be deemed to have given 3541
consent to a chemical test or tests of the person's whole blood, 3542

blood serum or plasma, breath, or urine to determine the 3543
alcohol, drug of abuse, controlled substance, metabolite of a 3544
controlled substance, or combination content of the person's 3545
whole blood, blood serum or plasma, breath, or urine if arrested 3546
for a violation of division (A) or (B) of section 4511.19 of the 3547
Revised Code, section 4511.194 of the Revised Code or a 3548
substantially equivalent municipal ordinance, or a municipal OVI 3549
ordinance. 3550

(3) The chemical test or tests under division (A) (2) of 3551
this section shall be administered at the request of a law 3552
enforcement officer having reasonable grounds to believe the 3553
person was operating or in physical control of a vehicle, 3554
streetcar, or trackless trolley in violation of a division, 3555
section, or ordinance identified in division (A) (2) of this 3556
section. The law enforcement agency by which the officer is 3557
employed shall designate which of the tests shall be 3558
administered. 3559

(4) Any person who is dead or unconscious, or who 3560
otherwise is in a condition rendering the person incapable of 3561
refusal, shall be deemed to have consented as provided in 3562
division (A) (2) of this section, and the test or tests may be 3563
administered, subject to sections 313.12 to 313.16 of the 3564
Revised Code. 3565

(5) (a) If a law enforcement officer arrests a person for a 3566
violation of division (A) or (B) of section 4511.19 of the 3567
Revised Code, section 4511.194 of the Revised Code or a 3568
substantially equivalent municipal ordinance, or a municipal OVI 3569
ordinance and if the person if convicted would be required to be 3570
sentenced under division (G) (1) (c), (d), or (e) of section 3571
4511.19 of the Revised Code, the law enforcement officer shall 3572

request the person to submit, and the person shall submit, to a 3573
chemical test or tests of the person's whole blood, blood serum 3574
or plasma, breath, or urine for the purpose of determining the 3575
alcohol, drug of abuse, controlled substance, metabolite of a 3576
controlled substance, or combination content of the person's 3577
whole blood, blood serum or plasma, breath, or urine. A law 3578
enforcement officer who makes a request pursuant to this 3579
division that a person submit to a chemical test or tests is not 3580
required to advise the person of the consequences of submitting 3581
to, or refusing to submit to, the test or tests and is not 3582
required to give the person the form described in division (B) 3583
of section 4511.192 of the Revised Code, but the officer shall 3584
advise the person at the time of the arrest that if the person 3585
refuses to take a chemical test the officer may employ whatever 3586
reasonable means are necessary to ensure that the person submits 3587
to a chemical test of the person's whole blood or blood serum or 3588
plasma. The officer shall also advise the person at the time of 3589
the arrest that the person may have an independent chemical test 3590
taken at the person's own expense. Divisions (A) (3) and (4) of 3591
this section apply to the administration of a chemical test or 3592
tests pursuant to this division. 3593

(b) If a person refuses to submit to a chemical test upon 3594
a request made pursuant to division (A) (5) (a) of this section, 3595
the law enforcement officer who made the request may employ 3596
whatever reasonable means are necessary to ensure that the 3597
person submits to a chemical test of the person's whole blood or 3598
blood serum or plasma. A law enforcement officer who acts 3599
pursuant to this division to ensure that a person submits to a 3600
chemical test of the person's whole blood or blood serum or 3601
plasma is immune from criminal and civil liability based upon a 3602
claim for assault and battery or any other claim for the acts, 3603

unless the officer so acted with malicious purpose, in bad 3604
faith, or in a wanton or reckless manner. 3605

(B) (1) Upon receipt of the sworn report of a law 3606
enforcement officer who arrested a person for a violation of 3607
division (A) or (B) of section 4511.19 of the Revised Code, 3608
section 4511.194 of the Revised Code or a substantially 3609
equivalent municipal ordinance, or a municipal OVI ordinance 3610
that was completed and sent to the registrar of motor vehicles 3611
and a court pursuant to section 4511.192 of the Revised Code in 3612
regard to a person who refused to take the designated chemical 3613
test, the registrar shall enter into the registrar's records the 3614
fact that the person's driver's or commercial driver's license 3615
or permit or nonresident operating privilege was suspended by 3616
the arresting officer under this division and that section and 3617
the period of the suspension, as determined under this section. 3618
The suspension shall be subject to appeal as provided in section 3619
4511.197 of the Revised Code. The suspension shall be for 3620
whichever of the following periods applies: 3621

(a) Except when division (B) (1) (b), (c), or (d) of this 3622
section applies and specifies a different class or length of 3623
suspension, the suspension shall be a class C suspension for the 3624
period of time specified in division (B) (3) of section 4510.02 3625
of the Revised Code. 3626

(b) If the arrested person, within ~~six~~ten years of the 3627
date on which the person refused the request to consent to the 3628
chemical test, had refused one previous request to consent to a 3629
chemical test or had been convicted of or pleaded guilty to one 3630
violation of division (A) or (B) of section 4511.19 of the 3631
Revised Code or one other equivalent offense, the suspension 3632
shall be a class B suspension imposed for the period of time 3633

specified in division (B) (2) of section 4510.02 of the Revised Code. 3634
3635

(c) If the arrested person, within ~~six~~ten years of the 3636
date on which the person refused the request to consent to the 3637
chemical test, had refused two previous requests to consent to a 3638
chemical test, had been convicted of or pleaded guilty to two 3639
violations of division (A) or (B) of section 4511.19 of the 3640
Revised Code or other equivalent offenses, or had refused one 3641
previous request to consent to a chemical test and also had been 3642
convicted of or pleaded guilty to one violation of division (A) 3643
or (B) of section 4511.19 of the Revised Code or other 3644
equivalent offenses, which violation or offense arose from an 3645
incident other than the incident that led to the refusal, the 3646
suspension shall be a class A suspension imposed for the period 3647
of time specified in division (B) (1) of section 4510.02 of the 3648
Revised Code. 3649

(d) If the arrested person, within ~~six~~ten years of the 3650
date on which the person refused the request to consent to the 3651
chemical test, had refused three or more previous requests to 3652
consent to a chemical test, had been convicted of or pleaded 3653
guilty to three or more violations of division (A) or (B) of 3654
section 4511.19 of the Revised Code or other equivalent 3655
offenses, or had refused a number of previous requests to 3656
consent to a chemical test and also had been convicted of or 3657
pleaded guilty to a number of violations of division (A) or (B) 3658
of section 4511.19 of the Revised Code or other equivalent 3659
offenses that cumulatively total three or more such refusals, 3660
convictions, and guilty pleas, the suspension shall be for five 3661
years. 3662

(2) The registrar shall terminate a suspension of the 3663

driver's or commercial driver's license or permit of a resident 3664
or of the operating privilege of a nonresident, or a denial of a 3665
driver's or commercial driver's license or permit, imposed 3666
pursuant to division (B) (1) of this section upon receipt of 3667
notice that the person has entered a plea of guilty to, or that 3668
the person has been convicted after entering a plea of no 3669
contest to, operating a vehicle in violation of section 4511.19 3670
of the Revised Code or in violation of a municipal OVI 3671
ordinance, if the offense for which the conviction is had or the 3672
plea is entered arose from the same incident that led to the 3673
suspension or denial. 3674

The registrar shall credit against any judicial suspension 3675
of a person's driver's or commercial driver's license or permit 3676
or nonresident operating privilege imposed pursuant to section 3677
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3678
the Revised Code for a violation of a municipal OVI ordinance, 3679
any time during which the person serves a related suspension 3680
imposed pursuant to division (B) (1) of this section. 3681

(C) (1) Upon receipt of the sworn report of the law 3682
enforcement officer who arrested a person for a violation of 3683
division (A) or (B) of section 4511.19 of the Revised Code or a 3684
municipal OVI ordinance that was completed and sent to the 3685
registrar and a court pursuant to section 4511.192 of the 3686
Revised Code in regard to a person whose test results indicate 3687
that the person's whole blood, blood serum or plasma, breath, or 3688
urine contained at least the concentration of alcohol specified 3689
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 3690
the Revised Code or at least the concentration of a listed 3691
controlled substance or a listed metabolite of a controlled 3692
substance specified in division (A) (1) (j) of section 4511.19 of 3693
the Revised Code, the registrar shall enter into the registrar's 3694

records the fact that the person's driver's or commercial 3695
driver's license or permit or nonresident operating privilege 3696
was suspended by the arresting officer under this division and 3697
section 4511.192 of the Revised Code and the period of the 3698
suspension, as determined under divisions (C) (1) (a) to (d) of 3699
this section. The suspension shall be subject to appeal as 3700
provided in section 4511.197 of the Revised Code. The suspension 3701
described in this division does not apply to, and shall not be 3702
imposed upon, a person arrested for a violation of section 3703
4511.194 of the Revised Code or a substantially equivalent 3704
municipal ordinance who submits to a designated chemical test. 3705
The suspension shall be for whichever of the following periods 3706
applies: 3707

(a) Except when division (C) (1) (b), (c), or (d) of this 3708
section applies and specifies a different period, the suspension 3709
shall be a class E suspension imposed for the period of time 3710
specified in division (B) (5) of section 4510.02 of the Revised 3711
Code. 3712

(b) The suspension shall be a class C suspension for the 3713
period of time specified in division (B) (3) of section 4510.02 3714
of the Revised Code if the person has been convicted of or 3715
pleaded guilty to, within ~~six~~ ten years of the date the test was 3716
conducted, one violation of division (A) or (B) of section 3717
4511.19 of the Revised Code or one other equivalent offense. 3718

(c) If, within ~~six~~ ten years of the date the test was 3719
conducted, the person has been convicted of or pleaded guilty to 3720
two violations of a statute or ordinance described in division 3721
(C) (1) (b) of this section, the suspension shall be a class B 3722
suspension imposed for the period of time specified in division 3723
(B) (2) of section 4510.02 of the Revised Code. 3724

(d) If, within ~~six~~ten years of the date the test was 3725
conducted, the person has been convicted of or pleaded guilty to 3726
more than two violations of a statute or ordinance described in 3727
division (C) (1) (b) of this section, the suspension shall be a 3728
class A suspension imposed for the period of time specified in 3729
division (B) (1) of section 4510.02 of the Revised Code. 3730

(2) The registrar shall terminate a suspension of the 3731
driver's or commercial driver's license or permit of a resident 3732
or of the operating privilege of a nonresident, or a denial of a 3733
driver's or commercial driver's license or permit, imposed 3734
pursuant to division (C) (1) of this section upon receipt of 3735
notice that the person has entered a plea of guilty to, or that 3736
the person has been convicted after entering a plea of no 3737
contest to, operating a vehicle in violation of section 4511.19 3738
of the Revised Code or in violation of a municipal OVI 3739
ordinance, if the offense for which the conviction is had or the 3740
plea is entered arose from the same incident that led to the 3741
suspension or denial. 3742

The registrar shall credit against any judicial suspension 3743
of a person's driver's or commercial driver's license or permit 3744
or nonresident operating privilege imposed pursuant to section 3745
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3746
the Revised Code for a violation of a municipal OVI ordinance, 3747
any time during which the person serves a related suspension 3748
imposed pursuant to division (C) (1) of this section. 3749

(D) (1) A suspension of a person's driver's or commercial 3750
driver's license or permit or nonresident operating privilege 3751
under this section for the time described in division (B) or (C) 3752
of this section is effective immediately from the time at which 3753
the arresting officer serves the notice of suspension upon the 3754

arrested person. Any subsequent finding that the person is not 3755
guilty of the charge that resulted in the person being requested 3756
to take the chemical test or tests under division (A) of this 3757
section does not affect the suspension. 3758

(2) If a person is arrested for operating a vehicle, 3759
streetcar, or trackless trolley in violation of division (A) or 3760
(B) of section 4511.19 of the Revised Code or a municipal OVI 3761
ordinance, or for being in physical control of a vehicle, 3762
streetcar, or trackless trolley in violation of section 4511.194 3763
of the Revised Code or a substantially equivalent municipal 3764
ordinance, regardless of whether the person's driver's or 3765
commercial driver's license or permit or nonresident operating 3766
privilege is or is not suspended under division (B) or (C) of 3767
this section or Chapter 4510. of the Revised Code, the person's 3768
initial appearance on the charge resulting from the arrest shall 3769
be held within five days of the person's arrest or the issuance 3770
of the citation to the person, subject to any continuance 3771
granted by the court pursuant to section 4511.197 of the Revised 3772
Code regarding the issues specified in that division. 3773

(E) When it finally has been determined under the 3774
procedures of this section and sections 4511.192 to 4511.197 of 3775
the Revised Code that a nonresident's privilege to operate a 3776
vehicle within this state has been suspended, the registrar 3777
shall give information in writing of the action taken to the 3778
motor vehicle administrator of the state of the person's 3779
residence and of any state in which the person has a license. 3780

(F) At the end of a suspension period under this section, 3781
under section 4511.194, section 4511.196, or division (G) of 3782
section 4511.19 of the Revised Code, or under section 4510.07 of 3783
the Revised Code for a violation of a municipal OVI ordinance 3784

and upon the request of the person whose driver's or commercial 3785
driver's license or permit was suspended and who is not 3786
otherwise subject to suspension, cancellation, or 3787
disqualification, the registrar shall return the driver's or 3788
commercial driver's license or permit to the person upon the 3789
occurrence of all of the conditions specified in divisions (F) 3790
(1) and (2) of this section: 3791

(1) A showing that the person has proof of financial 3792
responsibility, a policy of liability insurance in effect that 3793
meets the minimum standards set forth in section 4509.51 of the 3794
Revised Code, or proof, to the satisfaction of the registrar, 3795
that the person is able to respond in damages in an amount at 3796
least equal to the minimum amounts specified in section 4509.51 3797
of the Revised Code. 3798

(2) Subject to the limitation contained in division (F) (3) 3799
of this section, payment by the person to the registrar or an 3800
eligible deputy registrar of a license reinstatement fee of four 3801
hundred seventy-five dollars, which fee shall be deposited in 3802
the state treasury and credited as follows: 3803

(a) One hundred twelve dollars and fifty cents shall be 3804
credited to the statewide treatment and prevention fund created 3805
by section 4301.30 of the Revised Code. Money credited to the 3806
fund under this section shall be used for purposes identified 3807
under section 5119.22 of the Revised Code. 3808

(b) Seventy-five dollars shall be credited to the 3809
reparations fund created by section 2743.191 of the Revised 3810
Code. 3811

(c) Thirty-seven dollars and fifty cents shall be credited 3812
to the indigent drivers alcohol treatment fund, which is hereby 3813

established in the state treasury. The department of mental 3814
health and addiction services shall distribute the moneys in 3815
that fund to the county indigent drivers alcohol treatment 3816
funds, the county juvenile indigent drivers alcohol treatment 3817
funds, and the municipal indigent drivers alcohol treatment 3818
funds that are required to be established by counties and 3819
municipal corporations pursuant to division (H) of this section 3820
to be used only as provided in division (H) (3) of this section. 3821
Moneys in the fund that are not distributed to a county indigent 3822
drivers alcohol treatment fund, a county juvenile indigent 3823
drivers alcohol treatment fund, or a municipal indigent drivers 3824
alcohol treatment fund under division (H) of this section 3825
because the director of mental health and addiction services 3826
does not have the information necessary to identify the county 3827
or municipal corporation where the offender or juvenile offender 3828
was arrested may be transferred by the director of budget and 3829
management to the statewide treatment and prevention fund 3830
created by section 4301.30 of the Revised Code, upon 3831
certification of the amount by the director of mental health and 3832
addiction services. 3833

(d) Seventy-five dollars shall be credited to the 3834
opportunities for Ohioans with disabilities agency established 3835
by section 3304.15 of the Revised Code, to the services for 3836
rehabilitation fund, which is hereby established. The fund shall 3837
be used to match available federal matching funds where 3838
appropriate, and for any other purpose or program of the agency 3839
to rehabilitate persons with disabilities to help them become 3840
employed and independent. 3841

(e) Seventy-five dollars shall be deposited into the state 3842
treasury and credited to the drug abuse resistance education 3843
programs fund, which is hereby established, to be used by the 3844

attorney general for the purposes specified in division (F) (4) 3845
of this section. 3846

(f) Thirty dollars shall be credited to the state bureau 3847
of motor vehicles fund created by section 4501.25 of the Revised 3848
Code. 3849

(g) Twenty dollars shall be credited to the trauma and 3850
emergency medical services fund created by section 4513.263 of 3851
the Revised Code. 3852

(h) Fifty dollars shall be credited to the indigent 3853
drivers interlock and alcohol monitoring fund, which is hereby 3854
established in the state treasury. Moneys in the fund shall be 3855
distributed by the department of public safety to the county 3856
indigent drivers interlock and alcohol monitoring funds, the 3857
county juvenile indigent drivers interlock and alcohol 3858
monitoring funds, and the municipal indigent drivers interlock 3859
and alcohol monitoring funds that are required to be established 3860
by counties and municipal corporations pursuant to this section, 3861
and shall be used only to pay the cost of an immobilizing or 3862
disabling device, including a certified ignition interlock 3863
device, or an alcohol monitoring device used by an offender or 3864
juvenile offender who is ordered to use the device by a county, 3865
juvenile, or municipal court judge and who is determined by the 3866
county, juvenile, or municipal court judge not to have the means 3867
to pay for the person's use of the device. 3868

(3) If a person's driver's or commercial driver's license 3869
or permit is suspended under this section, under section 3870
4511.196 or division (G) of section 4511.19 of the Revised Code, 3871
under section 4510.07 of the Revised Code for a violation of a 3872
municipal OVI ordinance or under any combination of the 3873
suspensions described in division (F) (3) of this section, and if 3874

the suspensions arise from a single incident or a single set of 3875
facts and circumstances, the person is liable for payment of, 3876
and shall be required to pay to the registrar or an eligible 3877
deputy registrar, only one reinstatement fee of four hundred 3878
seventy-five dollars. The reinstatement fee shall be distributed 3879
by the bureau in accordance with division (F) (2) of this 3880
section. 3881

(4) The attorney general shall use amounts in the drug 3882
abuse resistance education programs fund to award grants to law 3883
enforcement agencies to establish and implement drug abuse 3884
resistance education programs in public schools. Grants awarded 3885
to a law enforcement agency under this section shall be used by 3886
the agency to pay for not more than fifty per cent of the amount 3887
of the salaries of law enforcement officers who conduct drug 3888
abuse resistance education programs in public schools. The 3889
attorney general shall not use more than six per cent of the 3890
amounts the attorney general's office receives under division 3891
(F) (2) (e) of this section to pay the costs it incurs in 3892
administering the grant program established by division (F) (2) 3893
(e) of this section and in providing training and materials 3894
relating to drug abuse resistance education programs. 3895

The attorney general shall report to the governor and the 3896
general assembly each fiscal year on the progress made in 3897
establishing and implementing drug abuse resistance education 3898
programs. These reports shall include an evaluation of the 3899
effectiveness of these programs. 3900

(5) In addition to the reinstatement fee under this 3901
section, if the person pays the reinstatement fee to a deputy 3902
registrar, the deputy registrar shall collect a service fee of 3903
ten dollars to compensate the deputy registrar for services 3904

performed under this section. The deputy registrar shall retain 3905
eight dollars of the service fee and shall transmit the 3906
reinstatement fee, plus two dollars of the service fee, to the 3907
registrar in the manner the registrar shall determine. 3908

(G) Suspension of a commercial driver's license under 3909
division (B) or (C) of this section shall be concurrent with any 3910
period of disqualification under section 3123.611 or 4506.16 of 3911
the Revised Code or any period of suspension under section 3912
3123.58 of the Revised Code. No person who is disqualified for 3913
life from holding a commercial driver's license under section 3914
4506.16 of the Revised Code shall be issued a driver's license 3915
under Chapter 4507. of the Revised Code during the period for 3916
which the commercial driver's license was suspended under 3917
division (B) or (C) of this section. No person whose commercial 3918
driver's license is suspended under division (B) or (C) of this 3919
section shall be issued a driver's license under Chapter 4507. 3920
of the Revised Code during the period of the suspension. 3921

(H) (1) Each county shall establish an indigent drivers 3922
alcohol treatment fund and a juvenile indigent drivers alcohol 3923
treatment fund. Each municipal corporation in which there is a 3924
municipal court shall establish an indigent drivers alcohol 3925
treatment fund. All revenue that the general assembly 3926
appropriates to the indigent drivers alcohol treatment fund for 3927
transfer to a county indigent drivers alcohol treatment fund, a 3928
county juvenile indigent drivers alcohol treatment fund, or a 3929
municipal indigent drivers alcohol treatment fund, all portions 3930
of fees that are paid under division (F) of this section and 3931
that are credited under that division to the indigent drivers 3932
alcohol treatment fund in the state treasury for a county 3933
indigent drivers alcohol treatment fund, a county juvenile 3934
indigent drivers alcohol treatment fund, or a municipal indigent 3935

drivers alcohol treatment fund, all portions of additional costs 3936
imposed under section 2949.094 of the Revised Code that are 3937
specified for deposit into a county, county juvenile, or 3938
municipal indigent drivers alcohol treatment fund by that 3939
section, and all portions of fines that are specified for 3940
deposit into a county or municipal indigent drivers alcohol 3941
treatment fund by section 4511.193 of the Revised Code shall be 3942
deposited into that county indigent drivers alcohol treatment 3943
fund, county juvenile indigent drivers alcohol treatment fund, 3944
or municipal indigent drivers alcohol treatment fund. The 3945
portions of the fees paid under division (F) of this section 3946
that are to be so deposited shall be determined in accordance 3947
with division (H) (2) of this section. Additionally, all portions 3948
of fines that are paid for a violation of section 4511.19 of the 3949
Revised Code or of any prohibition contained in Chapter 4510. of 3950
the Revised Code, and that are required under section 4511.19 or 3951
any provision of Chapter 4510. of the Revised Code to be 3952
deposited into a county indigent drivers alcohol treatment fund 3953
or municipal indigent drivers alcohol treatment fund shall be 3954
deposited into the appropriate fund in accordance with the 3955
applicable division of the section or provision. 3956

(2) That portion of the license reinstatement fee that is 3957
paid under division (F) of this section and that is credited 3958
under that division to the indigent drivers alcohol treatment 3959
fund shall be deposited into a county indigent drivers alcohol 3960
treatment fund, a county juvenile indigent drivers alcohol 3961
treatment fund, or a municipal indigent drivers alcohol 3962
treatment fund as follows: 3963

(a) Regarding a suspension imposed under this section, 3964
that portion of the fee shall be deposited as follows: 3965

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

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

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

(b) Regarding a suspension imposed under section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance, that portion of the fee shall be deposited as follows:

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

(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) (a) As used in division (H) (3) of this section,

"indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H) (5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make 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 with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider that is certified under section 5119.36 of the Revised Code;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider that is certified under section 5119.36 of the Revised Code;

(iii) To pay the cost of transportation to attend an assessment as provided under division (H) (3) (b) (i) of this section or addiction services as provided under division (H) (3) (b) (ii) of this section.

The alcohol and drug addiction services board or the board 4024
of alcohol, drug addiction, and mental health services 4025
established pursuant to section 340.02 or 340.021 of the Revised 4026
Code and serving the alcohol, drug addiction, and mental health 4027
service district in which the court is located shall administer 4028
the indigent drivers alcohol treatment program of the court. 4029
When a court orders an offender or juvenile traffic offender to 4030
obtain an assessment or attend an alcohol and drug addiction 4031
treatment program, the board shall determine which program is 4032
suitable to meet the needs of the offender or juvenile traffic 4033
offender, and when a suitable program is located and space is 4034
available at the program, the offender or juvenile traffic 4035
offender shall attend the program designated by the board. A 4036
reasonable amount not to exceed five per cent of the amounts 4037
credited to and deposited into the county indigent drivers 4038
alcohol treatment fund, the county juvenile indigent drivers 4039
alcohol treatment fund, or the municipal indigent drivers 4040
alcohol treatment fund serving every court whose program is 4041
administered by that board shall be paid to the board to cover 4042
the costs it incurs in administering those indigent drivers 4043
alcohol treatment programs. 4044

(c) Upon exhaustion of moneys in the indigent drivers 4045
interlock and alcohol monitoring fund for the use of an alcohol 4046
monitoring device, a county, juvenile, or municipal court judge 4047
may use moneys in the county indigent drivers alcohol treatment 4048
fund, county juvenile indigent drivers alcohol treatment fund, 4049
or municipal indigent drivers alcohol treatment fund in either 4050
of the following manners: 4051

(i) If the source of the moneys was an appropriation of 4052
the general assembly, a portion of a fee that was paid under 4053
division (F) of this section, a portion of a fine that was 4054

specified for deposit into the fund by section 4511.193 of the 4055
Revised Code, or a portion of a fine that was paid for a 4056
violation of section 4511.19 of the Revised Code or of a 4057
provision contained in Chapter 4510. of the Revised Code that 4058
was required to be deposited into the fund, to pay for the 4059
continued use of an alcohol monitoring device by an offender or 4060
juvenile traffic offender, in conjunction with a treatment 4061
program approved by the department of mental health and 4062
addiction services, when such use is determined clinically 4063
necessary by the treatment program and when the court determines 4064
that the offender or juvenile traffic offender is unable to pay 4065
all or part of the daily monitoring or cost of the device; 4066

(ii) If the source of the moneys was a portion of an 4067
additional court cost imposed under section 2949.094 of the 4068
Revised Code, to pay for the continued use of an alcohol 4069
monitoring device by an offender or juvenile traffic offender 4070
when the court determines that the offender or juvenile traffic 4071
offender is unable to pay all or part of the daily monitoring or 4072
cost of the device. The moneys may be used for a device as 4073
described in this division if the use of the device is in 4074
conjunction with a treatment program approved by the department 4075
of mental health and addiction services, when the use of the 4076
device is determined clinically necessary by the treatment 4077
program, but the use of a device is not required to be in 4078
conjunction with a treatment program approved by the department 4079
in order for the moneys to be used for the device as described 4080
in this division. 4081

(4) If a county, juvenile, or municipal court determines, 4082
in consultation with the alcohol and drug addiction services 4083
board or the board of alcohol, drug addiction, and mental health 4084
services established pursuant to section 340.02 or 340.021 of 4085

the Revised Code and serving the alcohol, drug addiction, and 4086
mental health district in which the court is located, that the 4087
funds in the county indigent drivers alcohol treatment fund, the 4088
county juvenile indigent drivers alcohol treatment fund, or the 4089
municipal indigent drivers alcohol treatment fund under the 4090
control of the court are more than sufficient to satisfy the 4091
purpose for which the fund was established, as specified in 4092
divisions (H) (1) to (3) of this section, the court may declare a 4093
surplus in the fund. If the court declares a surplus in the 4094
fund, the court may take any of the following actions with 4095
regard to the amount of the surplus in the fund: 4096

(a) Expend any of the surplus amount for alcohol and drug 4097
abuse assessment and treatment, and for the cost of 4098
transportation related to assessment and treatment, of persons 4099
who are charged in the court with committing a criminal offense 4100
or with being a delinquent child or juvenile traffic offender 4101
and in relation to whom both of the following apply: 4102

(i) The court determines that substance abuse was a 4103
contributing factor leading to the criminal or delinquent 4104
activity or the juvenile traffic offense with which the person 4105
is charged. 4106

(ii) The court determines that the person is unable to pay 4107
the cost of the alcohol and drug abuse assessment and treatment 4108
for which the surplus money will be used. 4109

(b) Expend any of the surplus amount to pay all or part of 4110
the cost of purchasing alcohol monitoring devices to be used in 4111
conjunction with division (H) (3) (c) of this section, upon 4112
exhaustion of moneys in the indigent drivers interlock and 4113
alcohol monitoring fund for the use of an alcohol monitoring 4114
device. 4115

(c) Transfer to another court in the same county any of 4116
the surplus amount to be utilized in a manner consistent with 4117
division (H) (3) of this section. If surplus funds are 4118
transferred to another court, the court that transfers the funds 4119
shall notify the alcohol and drug addiction services board or 4120
the board of alcohol, drug addiction, and mental health services 4121
that serves the alcohol, drug addiction, and mental health 4122
service district in which that court is located. 4123

(d) Transfer to the alcohol and drug addiction services 4124
board or the board of alcohol, drug addiction, and mental health 4125
services that serves the alcohol, drug addiction, and mental 4126
health service district in which the court is located any of the 4127
surplus amount to be utilized in a manner consistent with 4128
division (H) (3) of this section or for board contracted recovery 4129
support services. 4130

(5) In order to determine if an offender does not have the 4131
means to pay for the offender's attendance at an alcohol and 4132
drug addiction treatment program for purposes of division (H) (3) 4133
of this section or if an alleged offender or delinquent child is 4134
unable to pay the costs specified in division (H) (4) of this 4135
section, the court shall use the indigent client eligibility 4136
guidelines and the standards of indigency established by the 4137
state public defender to make the determination. 4138

(6) The court shall identify and refer any community 4139
addiction services provider that intends to provide addiction 4140
services and has not had its addiction services certified under 4141
section 5119.36 of the Revised Code and that is interested in 4142
receiving amounts from the surplus in the fund declared under 4143
division (H) (4) of this section to the department of mental 4144
health and addiction services in order for the community 4145

addiction services provider to have its addiction services 4146
certified by the department. The department shall keep a record 4147
of applicant referrals received pursuant to this division and 4148
shall submit a report on the referrals each year to the general 4149
assembly. If a community addiction services provider interested 4150
in having its addiction services certified makes an application 4151
pursuant to section 5119.36 of the Revised Code, the community 4152
addiction services provider is eligible to receive surplus funds 4153
as long as the application is pending with the department. The 4154
department of mental health and addiction services must offer 4155
technical assistance to the applicant. If the interested 4156
community addiction services provider withdraws the 4157
certification application, the department must notify the court, 4158
and the court shall not provide the interested community 4159
addiction services provider with any further surplus funds. 4160

(7) (a) Each alcohol and drug addiction services board and 4161
board of alcohol, drug addiction, and mental health services 4162
established pursuant to section 340.02 or 340.021 of the Revised 4163
Code shall submit to the department of mental health and 4164
addiction services an annual report for each indigent drivers 4165
alcohol treatment fund in that board's area. 4166

(b) The report, which shall be submitted not later than 4167
sixty days after the end of the state fiscal year, shall provide 4168
the total payment that was made from the fund, including the 4169
number of indigent consumers that received treatment services 4170
and the number of indigent consumers that received an alcohol 4171
monitoring device. The report shall identify the treatment 4172
program and expenditure for an alcohol monitoring device for 4173
which that payment was made. The report shall include the fiscal 4174
year balance of each indigent drivers alcohol treatment fund 4175
located in that board's area. In the event that a surplus is 4176

declared in the fund pursuant to division (H) (4) of this 4177
section, the report also shall provide the total payment that 4178
was made from the surplus moneys and identify the authorized 4179
purpose for which that payment was made. 4180

(c) If a board is unable to obtain adequate information to 4181
develop the report to submit to the department for a particular 4182
indigent drivers alcohol treatment fund, the board shall submit 4183
a report detailing the effort made in obtaining the information. 4184

(I) (1) Each county shall establish an indigent drivers 4185
interlock and alcohol monitoring fund and a juvenile indigent 4186
drivers interlock and alcohol treatment fund. Each municipal 4187
corporation in which there is a municipal court shall establish 4188
an indigent drivers interlock and alcohol monitoring fund. All 4189
revenue that the general assembly appropriates to the indigent 4190
drivers interlock and alcohol monitoring fund for transfer to a 4191
county indigent drivers interlock and alcohol monitoring fund, a 4192
county juvenile indigent drivers interlock and alcohol 4193
monitoring fund, or a municipal indigent drivers interlock and 4194
alcohol monitoring fund, all portions of license reinstatement 4195
fees that are paid under division (F) (2) of this section and 4196
that are credited under that division to the indigent drivers 4197
interlock and alcohol monitoring fund in the state treasury, and 4198
all portions of fines that are paid under division (G) of 4199
section 4511.19 of the Revised Code and that are credited by 4200
division (G) (5) (e) of that section to the indigent drivers 4201
interlock and alcohol monitoring fund in the state treasury 4202
shall be deposited in the appropriate fund in accordance with 4203
division (I) (2) of this section. 4204

(2) That portion of the license reinstatement fee that is 4205
paid under division (F) of this section and that portion of the 4206

fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

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

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

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

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F) (2) (h) of this section, the court may declare a surplus in the

fund. The court then may order the transfer of a specified 4237
amount into the county indigent drivers alcohol treatment fund, 4238
the county juvenile indigent drivers alcohol treatment fund, or 4239
the municipal indigent drivers alcohol treatment fund under the 4240
control of that court to be utilized in accordance with division 4241
(H) of this section. 4242

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 4243
for a violation of a municipal OVI ordinance shall be deposited 4244
into the municipal or county indigent drivers alcohol treatment 4245
fund created pursuant to division (H) of section 4511.191 of the 4246
Revised Code in accordance with this section and section 733.40, 4247
divisions (A), (B), and (C) of section 1901.024, division (F) of 4248
section 1901.31, or division (C) of section 1907.20 of the 4249
Revised Code. Regardless of whether the fine is imposed by a 4250
municipal court, a mayor's court, or a juvenile court, if the 4251
fine was imposed for a violation of an ordinance of a municipal 4252
corporation that is within the jurisdiction of a county-operated 4253
municipal court or a municipal court that is not a county- 4254
operated municipal court, the twenty-five dollars that is 4255
subject to this section shall be deposited into the indigent 4256
drivers alcohol treatment fund of the county in which that 4257
municipal corporation is located if the municipal court that has 4258
jurisdiction over that municipal corporation is a county- 4259
operated municipal court or of the municipal corporation in 4260
which is located the municipal court that has jurisdiction over 4261
that municipal corporation if that municipal court is not a 4262
county-operated municipal court. Regardless of whether the fine 4263
is imposed by a county court, a mayor's court, or a juvenile 4264
court, if the fine was imposed for a violation of an ordinance 4265
of a municipal corporation that is within the jurisdiction of a 4266
county court, the twenty-five dollars that is subject to this 4267

section shall be deposited into the indigent drivers alcohol 4268
treatment fund of the county in which is located the county 4269
court that has jurisdiction over that municipal corporation. The 4270
deposit shall be made in accordance with section 733.40, 4271
divisions (A), (B), and (C) of section 1901.024, division (F) of 4272
section 1901.31, or division (C) of section 1907.20 of the 4273
Revised Code. 4274

(B) Any court cost imposed as a result of a violation of a 4275
municipal ordinance that is a moving violation and designated 4276
for an indigent drivers alcohol treatment fund established 4277
pursuant to division (H) of section 4511.191 of the Revised Code 4278
shall be deposited into the municipal or county indigent drivers 4279
alcohol treatment fund created pursuant to division (H) of 4280
section 4511.191 of the Revised Code in accordance with this 4281
section and section 733.40, divisions (A), (B), and (C) of 4282
section 1901.024, division (F) of section 1901.31, or division 4283
(C) of section 1907.20 of the Revised Code. Regardless of 4284
whether the court cost is imposed by a municipal court, a 4285
mayor's court, or a juvenile court, if the court cost was 4286
imposed for a violation of an ordinance of a municipal 4287
corporation that is within the jurisdiction of a county-operated 4288
municipal court or a municipal court that is not a county- 4289
operated municipal court, the court cost that is subject to this 4290
section shall be deposited into the indigent drivers alcohol 4291
treatment fund of the county in which that municipal corporation 4292
is located if the municipal court that has jurisdiction over 4293
that municipal corporation is a county-operated municipal court 4294
or of the municipal corporation in which is located the 4295
municipal court that has jurisdiction over that municipal 4296
corporation if that municipal court is not a county-operated 4297
municipal court. Regardless of whether the court cost is imposed 4298

by a county court, a mayor's court, or a juvenile court, if the 4299
court cost was imposed for a violation of an ordinance of a 4300
municipal corporation that is within the jurisdiction of a 4301
county court, the court cost that is subject to this section 4302
shall be deposited into the indigent drivers alcohol treatment 4303
fund of the county in which is located the county court that has 4304
jurisdiction over that municipal corporation. The deposit shall 4305
be made in accordance with section 733.40, divisions (A), (B), 4306
and (C) of section 1901.024, division (F) of section 1901.31, or 4307
division (C) of section 1907.20 of the Revised Code. 4308

(C) (1) The requirements and sanctions imposed by divisions 4309
(C) (1) and (2) of this section are an adjunct to and derive from 4310
the state's exclusive authority over the registration and 4311
titling of motor vehicles and do not comprise a part of the 4312
criminal sentence to be imposed upon a person who violates a 4313
municipal OVI ordinance. 4314

(2) If a person is convicted of or pleads guilty to a 4315
violation of a municipal OVI ordinance, if the vehicle the 4316
offender was operating at the time of the offense is registered 4317
in the offender's name, and if, within ~~six~~-ten years of the 4318
current offense, the offender has been convicted of or pleaded 4319
guilty to one or more violations of division (A) or (B) of 4320
section 4511.19 of the Revised Code or one or more other 4321
equivalent offenses, the court, in addition to and independent 4322
of any sentence that it imposes upon the offender for the 4323
offense, shall do whichever of the following is applicable: 4324

(a) Except as otherwise provided in division (C) (2) (b) of 4325
this section, if, within ~~six~~-ten years of the current offense, 4326
the offender has been convicted of or pleaded guilty to one 4327
violation described in division (C) (2) of this section, the 4328

court shall order the immobilization for ninety days of that 4329
vehicle and the impoundment for ninety days of the license 4330
plates of that vehicle. The order for the immobilization and 4331
impoundment shall be issued and enforced in accordance with 4332
section 4503.233 of the Revised Code. 4333

(b) If, within ~~six~~ten years of the current offense, the 4334
offender has been convicted of or pleaded guilty to two or more 4335
violations described in division (C) (2) of this section, or if 4336
the offender previously has been convicted of or pleaded guilty 4337
to a violation of division (A) of section 4511.19 of the Revised 4338
Code under circumstances in which the violation was a felony and 4339
regardless of when the violation and the conviction or guilty 4340
plea occurred, the court shall order the criminal forfeiture to 4341
the state of that vehicle. The order of criminal forfeiture 4342
shall be issued and enforced in accordance with section 4503.234 4343
of the Revised Code. 4344

(D) As used in this section, "county-operated municipal 4345
court" has the same meaning as in section 1901.03 of the Revised 4346
Code. 4347

Sec. 4511.195. (A) As used in this section: 4348

(1) "Arrested person" means a person who is arrested for a 4349
violation of division (A) of section 4511.19 of the Revised Code 4350
or a municipal OVI ordinance and whose arrest results in a 4351
vehicle being seized under division (B) of this section. 4352

(2) "Vehicle owner" means either of the following: 4353

(a) The person in whose name is registered, at the time of 4354
the seizure, a vehicle that is seized under division (B) of this 4355
section; 4356

(b) A person to whom the certificate of title to a vehicle 4357

that is seized under division (B) of this section has been 4358
assigned and who has not obtained a certificate of title to the 4359
vehicle in that person's name, but who is deemed by the court as 4360
being the owner of the vehicle at the time the vehicle was 4361
seized under division (B) of this section. 4362

(3) "Interested party" includes the owner of a vehicle 4363
seized under this section, all lienholders, the arrested person, 4364
the owner of the place of storage at which a vehicle seized 4365
under this section is stored, and the person or entity that 4366
caused the vehicle to be removed. 4367

(B) (1) The arresting officer or another officer of the law 4368
enforcement agency that employs the arresting officer, in 4369
addition to any action that the arresting officer is required or 4370
authorized to take by section 4511.19 or 4511.191 of the Revised 4371
Code or by any other provision of law, shall seize the vehicle 4372
that a person was operating at the time of the alleged offense 4373
and its license plates if the vehicle is registered in the 4374
arrested person's name and if either of the following applies: 4375

(a) The person is arrested for a violation of division (A) 4376
of section 4511.19 of the Revised Code or of a municipal OVI 4377
ordinance and, within ~~six~~ten years of the alleged violation, 4378
the person previously has been convicted of or pleaded guilty to 4379
one or more violations of division (A) or (B) of section 4511.19 4380
of the Revised Code or one or more other equivalent offenses. 4381

(b) The person is arrested for a violation of division (A) 4382
of section 4511.19 of the Revised Code or of a municipal OVI 4383
ordinance and the person previously has been convicted of or 4384
pleaded guilty to a violation of division (A) of section 4511.19 4385
of the Revised Code under circumstances in which the violation 4386
was a felony, regardless of when the prior felony violation of 4387

division (A) of section 4511.19 of the Revised Code and the 4388
conviction or guilty plea occurred. 4389

(2) A law enforcement agency that employs a law 4390
enforcement officer who makes an arrest of a type that is 4391
described in division (B)(1) of this section and that involves a 4392
rented or leased vehicle that is being rented or leased for a 4393
period of thirty days or less shall notify, within twenty-four 4394
hours after the officer makes the arrest, the lessor or owner of 4395
the vehicle regarding the circumstances of the arrest and the 4396
location at which the vehicle may be picked up. At the time of 4397
the seizure of the vehicle, the law enforcement officer who made 4398
the arrest shall give the arrested person written notice that 4399
the vehicle and its license plates have been seized; that the 4400
vehicle either will be kept by the officer's law enforcement 4401
agency or will be immobilized at least until the operator's 4402
initial appearance on the charge of the offense for which the 4403
arrest was made; that, at the initial appearance, the court in 4404
certain circumstances may order that the vehicle and license 4405
plates be released to the arrested person until the disposition 4406
of that charge; and that, if the arrested person is convicted of 4407
that charge, the court generally must order the immobilization 4408
of the vehicle and the impoundment of its license plates, or the 4409
forfeiture of the vehicle. 4410

(3) The arresting officer or a law enforcement officer of 4411
the agency that employs the arresting officer shall give written 4412
notice of the seizure to the court that will conduct the initial 4413
appearance of the arrested person on the charges arising out of 4414
the arrest. Upon receipt of the notice, the court promptly shall 4415
determine whether the arrested person is the vehicle owner. If 4416
the court determines that the arrested person is not the vehicle 4417
owner, it promptly shall send by regular mail written notice of 4418

the seizure to the vehicle's registered owner. The written 4419
notice shall contain all of the information required by division 4420
(B) (2) of this section to be in a notice to be given to the 4421
arrested person and also shall specify the date, time, and place 4422
of the arrested person's initial appearance. The notice also 4423
shall inform the vehicle owner that if title to a motor vehicle 4424
that is subject to an order for criminal forfeiture under this 4425
section is assigned or transferred and division (B) (2) or (3) of 4426
section 4503.234 of the Revised Code applies, the court may fine 4427
the arrested person the value of the vehicle. The notice also 4428
shall state that if the vehicle is immobilized under division 4429
(A) of section 4503.233 of the Revised Code, seven days after 4430
the end of the period of immobilization a law enforcement agency 4431
will send the vehicle owner a notice, informing the owner that 4432
if the release of the vehicle is not obtained in accordance with 4433
division (D) (3) of section 4503.233 of the Revised Code, the 4434
vehicle shall be forfeited. The notice also shall inform the 4435
vehicle owner that the vehicle owner may be charged expenses or 4436
charges incurred under this section and section 4503.233 of the 4437
Revised Code for the removal and storage of the vehicle. 4438

The written notice that is given to the arrested person 4439
also shall state that if the person is convicted of or pleads 4440
guilty to the offense and the court issues an immobilization and 4441
impoundment order relative to that vehicle, division (D) (4) of 4442
section 4503.233 of the Revised Code prohibits the vehicle from 4443
being sold during the period of immobilization without the prior 4444
approval of the court. 4445

(4) At or before the initial appearance, the vehicle owner 4446
may file a motion requesting the court to order that the vehicle 4447
and its license plates be released to the vehicle owner. Except 4448
as provided in this division and subject to the payment of 4449

expenses or charges incurred in the removal and storage of the 4450
vehicle, the court, in its discretion, then may issue an order 4451
releasing the vehicle and its license plates to the vehicle 4452
owner. Such an order may be conditioned upon such terms as the 4453
court determines appropriate, including the posting of a bond in 4454
an amount determined by the court. If the arrested person is not 4455
the vehicle owner and if the vehicle owner is not present at the 4456
arrested person's initial appearance, and if the court believes 4457
that the vehicle owner was not provided with adequate notice of 4458
the initial appearance, the court, in its discretion, may allow 4459
the vehicle owner to file a motion within seven days of the 4460
initial appearance. If the court allows the vehicle owner to 4461
file such a motion after the initial appearance, the extension 4462
of time granted by the court does not extend the time within 4463
which the initial appearance is to be conducted. If the court 4464
issues an order for the release of the vehicle and its license 4465
plates, a copy of the order shall be made available to the 4466
vehicle owner. If the vehicle owner presents a copy of the order 4467
to the law enforcement agency that employs the law enforcement 4468
officer who arrested the arrested person, the law enforcement 4469
agency promptly shall release the vehicle and its license plates 4470
to the vehicle owner upon payment by the vehicle owner of any 4471
expenses or charges incurred in the removal and storage of the 4472
vehicle. 4473

(5) A vehicle seized under division (B)(1) of this section 4474
either shall be towed to a place specified by the law 4475
enforcement agency that employs the arresting officer to be 4476
safely kept by the agency at that place for the time and in the 4477
manner specified in this section or shall be otherwise 4478
immobilized for the time and in the manner specified in this 4479
section. A law enforcement officer of that agency shall remove 4480

the identification license plates of the vehicle, and they shall 4481
be safely kept by the agency for the time and in the manner 4482
specified in this section. No vehicle that is seized and either 4483
towed or immobilized pursuant to this division shall be 4484
considered contraband for purposes of Chapter 2981. of the 4485
Revised Code. The vehicle shall not be immobilized at any place 4486
other than a commercially operated private storage lot, a place 4487
owned by a law enforcement agency or other government agency, or 4488
a place to which one of the following applies: 4489

(a) The place is leased by or otherwise under the control 4490
of a law enforcement agency or other government agency. 4491

(b) The place is owned by the vehicle operator, the 4492
vehicle operator's spouse, or a parent or child of the vehicle 4493
operator. 4494

(c) The place is owned by a private person or entity, and, 4495
prior to the immobilization, the private entity or person that 4496
owns the place, or the authorized agent of that private entity 4497
or person, has given express written consent for the 4498
immobilization to be carried out at that place. 4499

(d) The place is a street or highway on which the vehicle 4500
is parked in accordance with the law. 4501

(C) (1) A vehicle seized under division (B) of this section 4502
shall be safely kept at the place to which it is towed or 4503
otherwise moved by the law enforcement agency that employs the 4504
arresting officer until the initial appearance of the arrested 4505
person relative to the charge in question. The license plates of 4506
the vehicle that are removed pursuant to division (B) of this 4507
section shall be safely kept by the law enforcement agency that 4508
employs the arresting officer until the initial appearance of 4509

the arrested person relative to the charge in question. 4510

(2) (a) At the initial appearance or not less than seven 4511
days prior to the date of final disposition, the court shall 4512
notify the arrested person that, if title to a motor vehicle 4513
that is subject to an order for criminal forfeiture under this 4514
section is assigned or transferred and division (B) (2) or (3) of 4515
section 4503.234 of the Revised Code applies, the court may fine 4516
the arrested person the value of the vehicle. If, at the initial 4517
appearance, the arrested person pleads guilty to the violation 4518
of division (A) of section 4511.19 of the Revised Code or of the 4519
municipal OVI ordinance or pleads no contest to and is convicted 4520
of the violation, the court shall impose sentence upon the 4521
person as provided by law or ordinance; the court shall order 4522
the immobilization of the vehicle the arrested person was 4523
operating at the time of the offense if registered in the 4524
arrested person's name and the impoundment of its license plates 4525
under section 4503.233 and section 4511.19 or 4511.193 of the 4526
Revised Code or the criminal forfeiture to the state of the 4527
vehicle if registered in the arrested person's name under 4528
section 4503.234 and section 4511.19 or 4511.193 of the Revised 4529
Code, whichever is applicable; and the vehicle and its license 4530
plates shall not be returned or released to the arrested person. 4531

(b) If, at any time, the charge that the arrested person 4532
violated division (A) of section 4511.19 of the Revised Code or 4533
the municipal OVI ordinance is dismissed for any reason, the 4534
court shall order that the vehicle seized at the time of the 4535
arrest and its license plates immediately be released to the 4536
person. 4537

(D) If a vehicle and its license plates are seized under 4538
division (B) of this section and are not returned or released to 4539

the arrested person pursuant to division (C) of this section, 4540
the vehicle and its license plates shall be retained until the 4541
final disposition of the charge in question. Upon the final 4542
disposition of that charge, the court shall do whichever of the 4543
following is applicable: 4544

(1) If the arrested person is convicted of or pleads 4545
guilty to the violation of division (A) of section 4511.19 of 4546
the Revised Code or of the municipal OVI ordinance, the court 4547
shall impose sentence upon the person as provided by law or 4548
ordinance and shall order the immobilization of the vehicle the 4549
person was operating at the time of the offense if it is 4550
registered in the arrested person's name and the impoundment of 4551
its license plates under section 4503.233 and section 4511.19 or 4552
4511.193 of the Revised Code, or the criminal forfeiture of the 4553
vehicle if it is registered in the arrested person's name under 4554
section 4503.234 and section 4511.19 or 4511.193 of the Revised 4555
Code, whichever is applicable. 4556

(2) If the arrested person is found not guilty of the 4557
violation of division (A) of section 4511.19 of the Revised Code 4558
or of the municipal OVI ordinance, the court shall order that 4559
the vehicle and its license plates immediately be released to 4560
the arrested person. 4561

(3) If the charge that the arrested person violated 4562
division (A) of section 4511.19 of the Revised Code or the 4563
municipal OVI ordinance is dismissed for any reason, the court 4564
shall order that the vehicle and its license plates immediately 4565
be released to the arrested person. 4566

(4) If the impoundment of the vehicle was not authorized 4567
under this section, the court shall order that the vehicle and 4568
its license plates be returned immediately to the arrested 4569

person or, if the arrested person is not the vehicle owner, to 4570
the vehicle owner, and shall order that the state or political 4571
subdivision of the law enforcement agency served by the law 4572
enforcement officer who seized the vehicle pay all expenses and 4573
charges incurred in its removal and storage. 4574

(E) If a vehicle is seized under division (B) of this 4575
section, the time between the seizure of the vehicle and either 4576
its release to the arrested person under division (C) of this 4577
section or the issuance of an order of immobilization of the 4578
vehicle under section 4503.233 of the Revised Code shall be 4579
credited against the period of immobilization ordered by the 4580
court. 4581

(F) (1) Except as provided in division (D) (4) of this 4582
section, the arrested person may be charged expenses or charges 4583
incurred in the removal and storage of the immobilized vehicle. 4584
The court with jurisdiction over the case, after notice to all 4585
interested parties, including lienholders, and after an 4586
opportunity for them to be heard, if the court finds that the 4587
arrested person does not intend to seek release of the vehicle 4588
at the end of the period of immobilization under section 4589
4503.233 of the Revised Code or that the arrested person is not 4590
or will not be able to pay the expenses and charges incurred in 4591
its removal and storage, may order that title to the vehicle be 4592
transferred, in order of priority, first into the name of the 4593
person or entity that removed it, next into the name of a 4594
lienholder, or lastly into the name of the owner of the place of 4595
storage. 4596

Any lienholder that receives title under a court order 4597
shall do so on the condition that it pay any expenses or charges 4598
incurred in the vehicle's removal and storage. If the person or 4599

entity that receives title to the vehicle is the person or 4600
entity that removed it, the person or entity shall receive title 4601
on the condition that it pay any lien on the vehicle. The court 4602
shall not order that title be transferred to any person or 4603
entity other than the owner of the place of storage if the 4604
person or entity refuses to receive the title. Any person or 4605
entity that receives title either may keep title to the vehicle 4606
or may dispose of the vehicle in any legal manner that it 4607
considers appropriate, including assignment of the certificate 4608
of title to the motor vehicle to a salvage dealer or a scrap 4609
metal processing facility. The person or entity shall not 4610
transfer the vehicle to the person who is the vehicle's 4611
immediate previous owner. 4612

If the person or entity that receives title assigns the 4613
motor vehicle to a salvage dealer or scrap metal processing 4614
facility, the person or entity shall send the assigned 4615
certificate of title to the motor vehicle to the clerk of the 4616
court of common pleas of the county in which the salvage dealer 4617
or scrap metal processing facility is located. The person or 4618
entity shall mark the face of the certificate of title with the 4619
words "FOR DESTRUCTION" and shall deliver a photocopy of the 4620
certificate of title to the salvage dealer or scrap metal 4621
processing facility for its records. 4622

(2) Whenever a court issues an order under division (F) (1) 4623
of this section, the court also shall order removal of the 4624
license plates from the vehicle and cause them to be sent to the 4625
registrar of motor vehicles if they have not already been sent 4626
to the registrar. Thereafter, no further proceedings shall take 4627
place under this section or under section 4503.233 of the 4628
Revised Code. 4629

(3) Prior to initiating a proceeding under division (F) (1) 4630
of this section, and upon payment of the fee under division (B) 4631
of section 4505.14 of the Revised Code, any interested party may 4632
cause a search to be made of the public records of the bureau of 4633
motor vehicles or the clerk of the court of common pleas, to 4634
ascertain the identity of any lienholder of the vehicle. The 4635
initiating party shall furnish this information to the clerk of 4636
the court with jurisdiction over the case, and the clerk shall 4637
provide notice to the arrested person, any lienholder, and any 4638
other interested parties listed by the initiating party, at the 4639
last known address supplied by the initiating party, by 4640
certified mail or, at the option of the initiating party, by 4641
personal service or ordinary mail. 4642

Sec. 4511.199. (A) Any court with jurisdiction over any 4643
case involving a violation of section 4511.19 of the Revised 4644
Code or a substantially equivalent municipal ordinance shall 4645
compile a record of all such cases. The record shall include all 4646
of the following: 4647

(1) The offense or offenses originally charged; 4648

(2) Whether the alleged offender had previously committed 4649
any violation of section 4511.19 of the Revised Code or any 4650
equivalent offense as defined in section 4511.181 of the Revised 4651
Code, and if applicable, the date each offense was committed; 4652

(3) The results of any test conducted under section 4653
4511.191 of the Revised Code or if the offender refused to 4654
consent to such a test, and if a suspension was imposed under 4655
that section; 4656

(4) The disposition of the case; 4657

(5) All penalties imposed upon the offender as a result of 4658

the case disposition. 4659

(B) Each court shall submit all records compiled pursuant 4660
to division (A) of this section to the supreme court on a 4661
monthly basis. On or before the last day of March of each year, 4662
the supreme court shall produce a report that summarizes the 4663
records submitted to the court during the previous calendar year 4664
and shall make that report available to the public. 4665

Section 2. That existing sections 1547.99, 1905.01, 4666
2903.06, 2903.08, 2929.142, 3327.10, 4510.13, 4510.17, 4510.43, 4667
4510.44, 4510.45, 4510.46, 4511.19, 4511.191, 4511.193, and 4668
4511.195 of the Revised Code are hereby repealed. 4669

Section 3. The Registrar of Motor Vehicles shall study the 4670
effect of this bill on the number of certified ignition 4671
interlock devices installed in this state, the number of drunk 4672
driving accidents and deaths, and the recidivism rate for OVI 4673
offenses. Not later than 48 months after the effective date of 4674
this bill, the Registrar shall issue a report on its findings to 4675
the Governor, the President of the Senate, the Minority Leader 4676
of the Senate, the Speaker of the House of Representatives, and 4677
the Minority Leader of the House of Representatives. 4678