

As Reported by the Senate Insurance Committee

131st General Assembly

Regular Session

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Sub. H. B. No. 388

Representative Scherer

Cosponsors: Representatives Johnson, T., Anielski, Arndt, Landis, Young, Zeltwanger, Antani, Antonio, Barnes, Boose, Brown, Buchy, Butler, Conditt, Craig, Dean, Dovilla, Duffey, Grossman, Hagan, Hambley, Hayes, Howse, Kunze, Leland, McClain, O'Brien, M., Patmon, Perales, Reineke, Rogers, Ruhl, Slaby, Sprague, Sweeney, Terhar, Vitale

Senators Bacon, LaRose, Tavares, Thomas

A BILL

To amend sections 1547.99, 1905.01, 2903.06, 1
2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 2
4505.11, 4510.13, 4510.17, 4510.43, 4510.44, 3
4510.45, 4510.46, 4511.19, 4511.191, 4511.193, 4
and 4511.195 and to enact section 4510.022 of 5
the Revised Code to authorize a court to grant 6
unlimited driving privileges with an ignition 7
interlock device to a first-time OVI offender, 8
to expand the penalties related to ignition 9
interlock device violations, to modify the law 10
governing the installation and monitoring of 11
ignition interlock devices, to extend the look 12
back period for OVI and OVI-related offenses 13
from six to ten years, to modify the penalties 14
for OVI offenses, and to alter the notice 15
requirements applicable to a salvage auction or 16
pool that obtains a salvage certificate of title 17
for a motor vehicle. 18

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

Section 1. That sections 1547.99, 1905.01, 2903.06, 19
2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 4505.11, 4510.13, 20
4510.17, 4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 4511.191, 21
4511.193, and 4511.195 be amended and section 4510.022 of the 22
Revised Code be enacted to read as follows: 23

Sec. 1547.99. (A) Whoever violates section 1547.91 of the 24
Revised Code is guilty of a felony of the fourth degree. 25

(B) Whoever violates division (F) of section 1547.08, 26
section 1547.10, division (I) of section 1547.111, section 27
1547.13, or section 1547.66 of the Revised Code is guilty of a 28
misdemeanor of the first degree. 29

(C) Whoever violates a provision of this chapter or a rule 30
adopted thereunder, for which no penalty is otherwise provided, 31
is guilty of a minor misdemeanor. 32

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 33
of the Revised Code without causing injury to persons or damage 34
to property is guilty of a misdemeanor of the fourth degree. 35

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 36
of the Revised Code causing injury to persons or damage to 37
property is guilty of a misdemeanor of the third degree. 38

(F) Whoever violates division (N) of section 1547.54, 39
division (G) of section 1547.30, or section 1547.131, 1547.25, 40
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 41
of the Revised Code or a rule adopted under division (A) (2) of 42
section 1547.52 of the Revised Code is guilty of a misdemeanor 43
of the fourth degree. 44

(G) Whoever violates section 1547.11 of the Revised Code 45
is guilty of a misdemeanor of the first degree and shall be 46
punished as provided in division (G)(1), (2), or (3) of this 47
section. 48

(1) Except as otherwise provided in division (G)(2) or (3) 49
of this section, the court shall sentence the offender to a jail 50
term of three consecutive days and may sentence the offender 51
pursuant to section 2929.24 of the Revised Code to a longer jail 52
term. In addition, the court shall impose upon the offender a 53
fine of not less than one hundred fifty nor more than one 54
thousand dollars. 55

The court may suspend the execution of the mandatory jail 56
term of three consecutive days that it is required to impose by 57
division (G)(1) of this section if the court, in lieu of the 58
suspended jail term, places the offender under a community 59
control sanction pursuant to section 2929.25 of the Revised Code 60
and requires the offender to attend, for three consecutive days, 61
a drivers' intervention program that is certified pursuant to 62
section 5119.38 of the Revised Code. The court also may suspend 63
the execution of any part of the mandatory jail term of three 64
consecutive days that it is required to impose by division (G) 65
(1) of this section if the court places the offender under a 66
community control sanction pursuant to section 2929.25 of the 67
Revised Code for part of the three consecutive days; requires 68
the offender to attend, for that part of the three consecutive 69
days, a drivers' intervention program that is certified pursuant 70
to section 5119.38 of the Revised Code; and sentences the 71
offender to a jail term equal to the remainder of the three 72
consecutive days that the offender does not spend attending the 73
drivers' intervention program. The court may require the 74
offender, as a condition of community control, to attend and 75

satisfactorily complete any treatment or education programs, in 76
addition to the required attendance at a drivers' intervention 77
program, that the operators of the drivers' intervention program 78
determine that the offender should attend and to report 79
periodically to the court on the offender's progress in the 80
programs. The court also may impose any other conditions of 81
community control on the offender that it considers necessary. 82

(2) If, within ~~six~~-ten years of the offense, the offender 83
has been convicted of or pleaded guilty to one violation of 84
section 1547.11 of the Revised Code or one other equivalent 85
offense, the court shall sentence the offender to a jail term of 86
ten consecutive days and may sentence the offender pursuant to 87
section 2929.24 of the Revised Code to a longer jail term. In 88
addition, the court shall impose upon the offender a fine of not 89
less than one hundred fifty nor more than one thousand dollars. 90

In addition to any other sentence that it imposes upon the 91
offender, the court may require the offender to attend a 92
drivers' intervention program that is certified pursuant to 93
section 5119.38 of the Revised Code. 94

(3) If, within ~~six~~-ten years of the offense, the offender 95
has been convicted of or pleaded guilty to more than one 96
violation or offense identified in division (G)(2) of this 97
section, the court shall sentence the offender to a jail term of 98
thirty consecutive days and may sentence the offender to a 99
longer jail term of not more than one year. In addition, the 100
court shall impose upon the offender a fine of not less than one 101
hundred fifty nor more than one thousand dollars. 102

In addition to any other sentence that it imposes upon the 103
offender, the court may require the offender to attend a 104
drivers' intervention program that is certified pursuant to 105

section 5119.38 of the Revised Code. 106

(4) Upon a showing that serving a jail term would 107
seriously affect the ability of an offender sentenced pursuant 108
to division (G) (1), (2), or (3) of this section to continue the 109
offender's employment, the court may authorize that the offender 110
be granted work release after the offender has served the 111
mandatory jail term of three, ten, or thirty consecutive days 112
that the court is required by division (G) (1), (2), or (3) of 113
this section to impose. No court shall authorize work release 114
during the mandatory jail term of three, ten, or thirty 115
consecutive days that the court is required by division (G) (1), 116
(2), or (3) of this section to impose. The duration of the work 117
release shall not exceed the time necessary each day for the 118
offender to commute to and from the place of employment and the 119
place in which the jail term is served and the time actually 120
spent under employment. 121

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

being imprisoned or serving a jail term, no court, except as 137
specifically authorized by division (G) (1) of this section, 138
shall suspend the mandatory jail term of three consecutive days 139
required to be imposed by division (G) (1) of this section or 140
place an offender who is sentenced pursuant to division (G) (1) 141
of this section in any treatment program in lieu of imprisonment 142
until after the offender has served the mandatory jail term of 143
three consecutive days required to be imposed pursuant to 144
division (G) (1) of this section. 145

(6) As used in division (G) of this section: 146

(a) "Equivalent offense" has the same meaning as in 147
section 4511.181 of the Revised Code. 148

(b) "Jail term" and "mandatory jail term" have the same 149
meanings as in section 2929.01 of the Revised Code. 150

(H) Whoever violates section 1547.304 of the Revised Code 151
is guilty of a misdemeanor of the fourth degree and also shall 152
be assessed any costs incurred by the state or a county, 153
township, municipal corporation, or other political subdivision 154
in disposing of an abandoned junk vessel or outboard motor, less 155
any money accruing to the state, county, township, municipal 156
corporation, or other political subdivision from that disposal. 157

(I) Whoever violates division (B) or (C) of section 158
1547.49 of the Revised Code is guilty of a minor misdemeanor. 159

(J) Whoever violates section 1547.31 of the Revised Code 160
is guilty of a misdemeanor of the fourth degree on a first 161
offense. On each subsequent offense, the person is guilty of a 162
misdemeanor of the third degree. 163

(K) Whoever violates section 1547.05 or 1547.051 of the 164
Revised Code is guilty of a misdemeanor of the fourth degree if 165

the violation is not related to a collision, injury to a person, 166
or damage to property and a misdemeanor of the third degree if 167
the violation is related to a collision, injury to a person, or 168
damage to property. 169

(L) The sentencing court, in addition to the penalty 170
provided under this section for a violation of this chapter or a 171
rule adopted under it that involves a powercraft powered by more 172
than ten horsepower and that, in the opinion of the court, 173
involves a threat to the safety of persons or property, shall 174
order the offender to complete successfully a boating course 175
approved by the national association of state boating law 176
administrators before the offender is allowed to operate a 177
powercraft powered by more than ten horsepower on the waters in 178
this state. Violation of a court order entered under this 179
division is punishable as contempt under Chapter 2705. of the 180
Revised Code. 181

Sec. 1905.01. (A) In Georgetown in Brown county, in Mount 182
Gilead in Morrow county, in any municipal corporation located 183
entirely on an island in Lake Erie, and in all other municipal 184
corporations having a population of more than two hundred, other 185
than Batavia in Clermont county, not being the site of a 186
municipal court nor a place where a judge of the Auglaize 187
county, Crawford county, Jackson county, Miami county, 188
Montgomery county, Portage county, or Wayne county municipal 189
court sits as required pursuant to section 1901.021 of the 190
Revised Code or by designation of the judges pursuant to section 191
1901.021 of the Revised Code, the mayor of the municipal 192
corporation has jurisdiction, except as provided in divisions 193
(B), (C), and (E) of this section and subject to the limitation 194
contained in section 1905.03 and the limitation contained in 195
section 1905.031 of the Revised Code, to hear and determine any 196

prosecution for the violation of an ordinance of the municipal corporation, to hear and determine any case involving a violation of a vehicle parking or standing ordinance of the municipal corporation unless the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code, and to hear and determine all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code.

(B) (1) In Georgetown in Brown county, in Mount Gilead in Morrow county, in any municipal corporation located entirely on an island in Lake Erie, and in all other municipal corporations having a population of more than two hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of a court listed in division (A) of this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation has jurisdiction, subject to the limitation contained in section 1905.03 of the Revised Code, to hear and determine prosecutions involving a violation of an ordinance of the municipal corporation relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, and to hear and determine criminal causes involving a violation of section 4511.19 of the Revised Code that occur on a state highway located within the

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| boundaries of the municipal corporation, subject to the | 228 |
| limitations of sections 2937.08 and 2938.04 of the Revised Code, | 229 |
| only if the person charged with the violation, within six - <u>ten</u> | 230 |
| years of the date of the violation charged, has not been | 231 |
| convicted of or pleaded guilty to any of the following: | 232 |
| (a) A violation of an ordinance of any municipal | 233 |
| corporation relating to operating a vehicle while under the | 234 |
| influence of alcohol, a drug of abuse, or a combination of them | 235 |
| or relating to operating a vehicle with a prohibited | 236 |
| concentration of alcohol, a controlled substance, or a | 237 |
| metabolite of a controlled substance in the whole blood, blood | 238 |
| serum or plasma, breath, or urine; | 239 |
| (b) A violation of section 4511.19 of the Revised Code; | 240 |
| (c) A violation of any ordinance of any municipal | 241 |
| corporation or of any section of the Revised Code that regulates | 242 |
| the operation of vehicles, streetcars, and trackless trolleys | 243 |
| upon the highways or streets, to which all of the following | 244 |
| apply: | 245 |
| (i) The person, in the case in which the conviction was | 246 |
| obtained or the plea of guilty was entered, had been charged | 247 |
| with a violation of an ordinance of a type described in division | 248 |
| (B) (1) (a) of this section, or with a violation of section | 249 |
| 4511.19 of the Revised Code; | 250 |
| (ii) The charge of the violation described in division (B) | 251 |
| (1) (c) (i) of this section was dismissed or reduced; | 252 |
| (iii) The violation of which the person was convicted or | 253 |
| to which the person pleaded guilty arose out of the same facts | 254 |
| and circumstances and the same act as did the charge that was | 255 |
| dismissed or reduced. | 256 |

(d) A violation of a statute of the United States or of 257
any other state or a municipal ordinance of a municipal 258
corporation located in any other state that is substantially 259
similar to section 4511.19 of the Revised Code. 260

(2) The mayor of a municipal corporation does not have 261
jurisdiction to hear and determine any prosecution or criminal 262
cause involving a violation described in division (B) (1) (a) or 263
(b) of this section, regardless of where the violation occurred, 264
if the person charged with the violation, within ~~six~~-ten years 265
of the violation charged, has been convicted of or pleaded 266
guilty to any violation listed in division (B) (1) (a), (b), (c), 267
or (d) of this section. 268

If the mayor of a municipal corporation, in hearing a 269
prosecution involving a violation of an ordinance of the 270
municipal corporation the mayor serves relating to operating a 271
vehicle while under the influence of alcohol, a drug of abuse, 272
or a combination of them or relating to operating a vehicle with 273
a prohibited concentration of alcohol, a controlled substance, 274
or a metabolite of a controlled substance in the whole blood, 275
blood serum or plasma, breath, or urine, or in hearing a 276
criminal cause involving a violation of section 4511.19 of the 277
Revised Code, determines that the person charged, within ~~six~~-ten 278
years of the violation charged, has been convicted of or pleaded 279
guilty to any violation listed in division (B) (1) (a), (b), (c), 280
or (d) of this section, the mayor immediately shall transfer the 281
case to the county court or municipal court with jurisdiction 282
over the violation charged, in accordance with section 1905.032 283
of the Revised Code. 284

(C) (1) In Georgetown in Brown county, in Mount Gilead in 285
Morrow county, in any municipal corporation located entirely on 286

an island in Lake Erie, and in all other municipal corporations 287
having a population of more than two hundred, other than Batavia 288
in Clermont county, not being the site of a municipal court and 289
not being a place where a judge of a court listed in division 290
(A) of this section sits as required pursuant to section 291
1901.021 of the Revised Code or by designation of the judges 292
pursuant to section 1901.021 of the Revised Code, the mayor of 293
the municipal corporation, subject to sections 1901.031, 294
2937.08, and 2938.04 of the Revised Code, has jurisdiction to 295
hear and determine prosecutions involving a violation of a 296
municipal ordinance that is substantially equivalent to division 297
(A) of section 4510.14 or section 4510.16 of the Revised Code 298
and to hear and determine criminal causes that involve a moving 299
traffic violation, that involve a violation of division (A) of 300
section 4510.14 or section 4510.16 of the Revised Code, and that 301
occur on a state highway located within the boundaries of the 302
municipal corporation only if all of the following apply 303
regarding the violation and the person charged: 304

(a) Regarding a violation of section 4510.16 of the 305
Revised Code or a violation of a municipal ordinance that is 306
substantially equivalent to that division, the person charged 307
with the violation, within six years of the date of the 308
violation charged, has not been convicted of or pleaded guilty 309
to any of the following: 310

(i) A violation of section 4510.16 of the Revised Code; 311

(ii) A violation of a municipal ordinance that is 312
substantially equivalent to section 4510.16 of the Revised Code; 313

(iii) A violation of any municipal ordinance or section of 314
the Revised Code that regulates the operation of vehicles, 315
streetcars, and trackless trolleys upon the highways or streets, 316

in a case in which, after a charge against the person of a 317
violation of a type described in division (C) (1) (a) (i) or (ii) 318
of this section was dismissed or reduced, the person is 319
convicted of or pleads guilty to a violation that arose out of 320
the same facts and circumstances and the same act as did the 321
charge that was dismissed or reduced. 322

(b) Regarding a violation of division (A) of section 323
4510.14 of the Revised Code or a violation of a municipal 324
ordinance that is substantially equivalent to that division, the 325
person charged with the violation, within six years of the date 326
of the violation charged, has not been convicted of or pleaded 327
guilty to any of the following: 328

(i) A violation of division (A) of section 4510.14 of the 329
Revised Code; 330

(ii) A violation of a municipal ordinance that is 331
substantially equivalent to division (A) of section 4510.14 of 332
the Revised Code; 333

(iii) A violation of any municipal ordinance or section of 334
the Revised Code that regulates the operation of vehicles, 335
streetcars, and trackless trolleys upon the highways or streets 336
in a case in which, after a charge against the person of a 337
violation of a type described in division (C) (1) (b) (i) or (ii) 338
of this section was dismissed or reduced, the person is 339
convicted of or pleads guilty to a violation that arose out of 340
the same facts and circumstances and the same act as did the 341
charge that was dismissed or reduced. 342

(2) The mayor of a municipal corporation does not have 343
jurisdiction to hear and determine any prosecution or criminal 344
cause involving a violation described in division (C) (1) (a) (i) 345

or (ii) of this section if the person charged with the 346
violation, within six years of the violation charged, has been 347
convicted of or pleaded guilty to any violation listed in 348
division (C) (1) (a) (i), (ii), or (iii) of this section and does 349
not have jurisdiction to hear and determine any prosecution or 350
criminal cause involving a violation described in division (C) 351
(1) (b) (i) or (ii) of this section if the person charged with the 352
violation, within six years of the violation charged, has been 353
convicted of or pleaded guilty to any violation listed in 354
division (C) (1) (b) (i), (ii), or (iii) of this section. 355

(3) If the mayor of a municipal corporation, in hearing a 356
prosecution involving a violation of an ordinance of the 357
municipal corporation the mayor serves that is substantially 358
equivalent to division (A) of section 4510.14 or section 4510.16 359
of the Revised Code or a violation of division (A) of section 360
4510.14 or section 4510.16 of the Revised Code, determines that, 361
under division (C) (2) of this section, mayors do not have 362
jurisdiction of the prosecution, the mayor immediately shall 363
transfer the case to the county court or municipal court with 364
jurisdiction over the violation in accordance with section 365
1905.032 of the Revised Code. 366

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

violation described in division (B) (1) (a) or (b) of this 377
section, the authority of the mayor to hear or determine the 378
prosecution or cause is subject to the limitation contained in 379
division (C) of section 1905.031 of the Revised Code. 380

(E) (1) The mayor of a municipal corporation does not have 381
jurisdiction to hear and determine any prosecution or criminal 382
cause involving any of the following: 383

(a) A violation of section 2919.25 or 2919.27 of the 384
Revised Code; 385

(b) A violation of section 2903.11, 2903.12, 2903.13, 386
2903.211, or 2911.211 of the Revised Code that involves a person 387
who was a family or household member of the defendant at the 388
time of the violation; 389

(c) A violation of a municipal ordinance that is 390
substantially equivalent to an offense described in division (E) 391
(1) (a) or (b) of this section and that involves a person who was 392
a family or household member of the defendant at the time of the 393
violation. 394

(2) The mayor of a municipal corporation does not have 395
jurisdiction to hear and determine a motion filed pursuant to 396
section 2919.26 of the Revised Code or filed pursuant to a 397
municipal ordinance that is substantially equivalent to that 398
section or to issue a protection order pursuant to that section 399
or a substantially equivalent municipal ordinance. 400

(3) As used in this section, "family or household member" 401
has the same meaning as in section 2919.25 of the Revised Code. 402

(F) In keeping a docket and files, the mayor, and a 403
mayor's court magistrate appointed under section 1905.05 of the 404
Revised Code, shall be governed by the laws pertaining to county 405

courts. 406

Sec. 2903.06. (A) No person, while operating or 407
participating in the operation of a motor vehicle, motorcycle, 408
snowmobile, locomotive, watercraft, or aircraft, shall cause the 409
death of another or the unlawful termination of another's 410
pregnancy in any of the following ways: 411

(1) (a) As the proximate result of committing a violation 412
of division (A) of section 4511.19 of the Revised Code or of a 413
substantially equivalent municipal ordinance; 414

(b) As the proximate result of committing a violation of 415
division (A) of section 1547.11 of the Revised Code or of a 416
substantially equivalent municipal ordinance; 417

(c) As the proximate result of committing a violation of 418
division (A) (3) of section 4561.15 of the Revised Code or of a 419
substantially equivalent municipal ordinance. 420

(2) In one of the following ways: 421

(a) Recklessly; 422

(b) As the proximate result of committing, while operating 423
or participating in the operation of a motor vehicle or 424
motorcycle in a construction zone, a reckless operation offense, 425
provided that this division applies only if the person whose 426
death is caused or whose pregnancy is unlawfully terminated is 427
in the construction zone at the time of the offender's 428
commission of the reckless operation offense in the construction 429
zone and does not apply as described in division (F) of this 430
section. 431

(3) In one of the following ways: 432

(a) Negligently; 433

(b) As the proximate result of committing, while operating 434
or participating in the operation of a motor vehicle or 435
motorcycle in a construction zone, a speeding offense, provided 436
that this division applies only if the person whose death is 437
caused or whose pregnancy is unlawfully terminated is in the 438
construction zone at the time of the offender's commission of 439
the speeding offense in the construction zone and does not apply 440
as described in division (F) of this section. 441

(4) As the proximate result of committing a violation of 442
any provision of any section contained in Title XLV of the 443
Revised Code that is a minor misdemeanor or of a municipal 444
ordinance that, regardless of the penalty set by ordinance for 445
the violation, is substantially equivalent to any provision of 446
any section contained in Title XLV of the Revised Code that is a 447
minor misdemeanor. 448

(B) (1) Whoever violates division (A) (1) or (2) of this 449
section is guilty of aggravated vehicular homicide and shall be 450
punished as provided in divisions (B) (2) and (3) of this 451
section. 452

(2) (a) Except as otherwise provided in division (B) (2) (b) 453
or (c) of this section, aggravated vehicular homicide committed 454
in violation of division (A) (1) of this section is a felony of 455
the second degree and the court shall impose a mandatory prison 456
term on the offender as described in division (E) of this 457
section. 458

(b) Except as otherwise provided in division (B) (2) (c) of 459
this section, aggravated vehicular homicide committed in 460
violation of division (A) (1) of this section is a felony of the 461
first degree, and the court shall impose a mandatory prison term 462
on the offender as described in division (E) of this section, if 463

any of the following apply: 464

(i) At the time of the offense, the offender was driving 465
under a suspension or cancellation imposed under Chapter 4510. 466
or any other provision of the Revised Code or was operating a 467
motor vehicle or motorcycle, did not have a valid driver's 468
license, commercial driver's license, temporary instruction 469
permit, probationary license, or nonresident operating 470
privilege, and was not eligible for renewal of the offender's 471
driver's license or commercial driver's license without 472
examination under section 4507.10 of the Revised Code. 473

(ii) The offender previously has been convicted of or 474
pleaded guilty to a violation of this section. 475

(iii) The offender previously has been convicted of or 476
pleaded guilty to any traffic-related homicide, manslaughter, or 477
assault offense. 478

(c) Aggravated vehicular homicide committed in violation 479
of division (A) (1) of this section is a felony of the first 480
degree, and the court shall sentence the offender to a mandatory 481
prison term as provided in section 2929.142 of the Revised Code 482
and described in division (E) of this section if any of the 483
following apply: 484

(i) The offender previously has been convicted of or 485
pleaded guilty to three or more prior violations of section 486
4511.19 of the Revised Code or of a substantially equivalent 487
municipal ordinance within the previous ~~six~~-ten years. 488

(ii) The offender previously has been convicted of or 489
pleaded guilty to three or more prior violations of division (A) 490
of section 1547.11 of the Revised Code or of a substantially 491
equivalent municipal ordinance within the previous ~~six~~-ten 492

| | |
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| years. | 493 |
| (iii) The offender previously has been convicted of or | 494 |
| pleaded guilty to three or more prior violations of division (A) | 495 |
| (3) of section 4561.15 of the Revised Code or of a substantially | 496 |
| equivalent municipal ordinance within the previous six - <u>ten</u> | 497 |
| years. | 498 |
| (iv) The offender previously has been convicted of or | 499 |
| pleaded guilty to three or more prior violations of division (A) | 500 |
| (1) of this section within the previous six - <u>ten</u> years. | 501 |
| (v) The offender previously has been convicted of or | 502 |
| pleaded guilty to three or more prior violations of division (A) | 503 |
| (1) of section 2903.08 of the Revised Code within the previous | 504 |
| six - <u>ten</u> years. | 505 |
| (vi) The offender previously has been convicted of or | 506 |
| pleaded guilty to three or more prior violations of section | 507 |
| 2903.04 of the Revised Code within the previous six - <u>ten</u> years in | 508 |
| circumstances in which division (D) of that section applied | 509 |
| regarding the violations. | 510 |
| (vii) The offender previously has been convicted of or | 511 |
| pleaded guilty to three or more violations of any combination of | 512 |
| the offenses listed in division (B)(2)(c)(i), (ii), (iii), (iv), | 513 |
| (v), or (vi) of this section within the previous six - <u>ten</u> years. | 514 |
| (viii) The offender previously has been convicted of or | 515 |
| pleaded guilty to a second or subsequent felony violation of | 516 |
| division (A) of section 4511.19 of the Revised Code. | 517 |
| (d) In addition to any other sanctions imposed pursuant to | 518 |
| division (B)(2)(a), (b), or (c) of this section for aggravated | 519 |
| vehicular homicide committed in violation of division (A)(1) of | 520 |
| this section, the court shall impose upon the offender a class | 521 |

one suspension of the offender's driver's license, commercial 522
driver's license, temporary instruction permit, probationary 523
license, or nonresident operating privilege as specified in 524
division (A) (1) of section 4510.02 of the Revised Code. 525

(3) Except as otherwise provided in this division, 526
aggravated vehicular homicide committed in violation of division 527
(A) (2) of this section is a felony of the third degree. 528
Aggravated vehicular homicide committed in violation of division 529
(A) (2) of this section is a felony of the second degree if, at 530
the time of the offense, the offender was driving under a 531
suspension or cancellation imposed under Chapter 4510. or any 532
other provision of the Revised Code or was operating a motor 533
vehicle or motorcycle, did not have a valid driver's license, 534
commercial driver's license, temporary instruction permit, 535
probationary license, or nonresident operating privilege, and 536
was not eligible for renewal of the offender's driver's license 537
or commercial driver's license without examination under section 538
4507.10 of the Revised Code or if the offender previously has 539
been convicted of or pleaded guilty to a violation of this 540
section or any traffic-related homicide, manslaughter, or 541
assault offense. The court shall impose a mandatory prison term 542
on the offender when required by division (E) of this section. 543

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

or attempted murder offense, a class one suspension of the 553
offender's driver's license, commercial driver's license, 554
temporary instruction permit, probationary license, or 555
nonresident operating privilege as specified in division (A)(1) 556
of that section. 557

(C) Whoever violates division (A)(3) of this section is 558
guilty of vehicular homicide. Except as otherwise provided in 559
this division, vehicular homicide is a misdemeanor of the first 560
degree. Vehicular homicide committed in violation of division 561
(A)(3) of this section is a felony of the fourth degree if, at 562
the time of the offense, the offender was driving under a 563
suspension or cancellation imposed under Chapter 4510. or any 564
other provision of the Revised Code or was operating a motor 565
vehicle or motorcycle, did not have a valid driver's license, 566
commercial driver's license, temporary instruction permit, 567
probationary license, or nonresident operating privilege, and 568
was not eligible for renewal of the offender's driver's license 569
or commercial driver's license without examination under section 570
4507.10 of the Revised Code or if the offender previously has 571
been convicted of or pleaded guilty to a violation of this 572
section or any traffic-related homicide, manslaughter, or 573
assault offense. The court shall impose a mandatory jail term or 574
a mandatory prison term on the offender when required by 575
division (E) of this section. 576

In addition to any other sanctions imposed pursuant to 577
this division, the court shall impose upon the offender a class 578
four suspension of the offender's driver's license, commercial 579
driver's license, temporary instruction permit, probationary 580
license, or nonresident operating privilege from the range 581
specified in division (A)(4) of section 4510.02 of the Revised 582
Code, or, if the offender previously has been convicted of or 583

pleaded guilty to a violation of this section or any traffic- 584
related homicide, manslaughter, or assault offense, a class 585
three suspension of the offender's driver's license, commercial 586
driver's license, temporary instruction permit, probationary 587
license, or nonresident operating privilege from the range 588
specified in division (A) (3) of that section, or, if the 589
offender previously has been convicted of or pleaded guilty to a 590
traffic-related murder, felonious assault, or attempted murder 591
offense, a class two suspension of the offender's driver's 592
license, commercial driver's license, temporary instruction 593
permit, probationary license, or nonresident operating privilege 594
as specified in division (A) (2) of that section. 595

(D) Whoever violates division (A) (4) of this section is 596
guilty of vehicular manslaughter. Except as otherwise provided 597
in this division, vehicular manslaughter is a misdemeanor of the 598
second degree. Vehicular manslaughter is a misdemeanor of the 599
first degree if, at the time of the offense, the offender was 600
driving under a suspension or cancellation imposed under Chapter 601
4510. or any other provision of the Revised Code or was 602
operating a motor vehicle or motorcycle, did not have a valid 603
driver's license, commercial driver's license, temporary 604
instruction permit, probationary license, or nonresident 605
operating privilege, and was not eligible for renewal of the 606
offender's driver's license or commercial driver's license 607
without examination under section 4507.10 of the Revised Code or 608
if the offender previously has been convicted of or pleaded 609
guilty to a violation of this section or any traffic-related 610
homicide, manslaughter, or assault offense. 611

In addition to any other sanctions imposed pursuant to 612
this division, the court shall impose upon the offender a class 613
six suspension of the offender's driver's license, commercial 614

driver's license, temporary instruction permit, probationary 615
license, or nonresident operating privilege from the range 616
specified in division (A) (6) of section 4510.02 of the Revised 617
Code or, if the offender previously has been convicted of or 618
pleaded guilty to a violation of this section, any traffic- 619
related homicide, manslaughter, or assault offense, or a 620
traffic-related murder, felonious assault, or attempted murder 621
offense, a class four suspension of the offender's driver's 622
license, commercial driver's license, temporary instruction 623
permit, probationary license, or nonresident operating privilege 624
from the range specified in division (A) (4) of that section. 625

(E) The court shall impose a mandatory prison term on an 626
offender who is convicted of or pleads guilty to a violation of 627
division (A) (1) of this section. If division (B) (2) (c) (i), (ii), 628
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 629
to an offender who is convicted of or pleads guilty to the 630
violation of division (A) (1) of this section, the court shall 631
impose the mandatory prison term pursuant to section 2929.142 of 632
the Revised Code. The court shall impose a mandatory jail term 633
of at least fifteen days on an offender who is convicted of or 634
pleads guilty to a misdemeanor violation of division (A) (3) (b) 635
of this section and may impose upon the offender a longer jail 636
term as authorized pursuant to section 2929.24 of the Revised 637
Code. The court shall impose a mandatory prison term on an 638
offender who is convicted of or pleads guilty to a violation of 639
division (A) (2) or (3) (a) of this section or a felony violation 640
of division (A) (3) (b) of this section if either of the following 641
applies: 642

(1) The offender previously has been convicted of or 643
pleaded guilty to a violation of this section or section 2903.08 644
of the Revised Code. 645

(2) At the time of the offense, the offender was driving 646
under suspension or cancellation under Chapter 4510. or any 647
other provision of the Revised Code or was operating a motor 648
vehicle or motorcycle, did not have a valid driver's license, 649
commercial driver's license, temporary instruction permit, 650
probationary license, or nonresident operating privilege, and 651
was not eligible for renewal of the offender's driver's license 652
or commercial driver's license without examination under section 653
4507.10 of the Revised Code. 654

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 655
apply in a particular construction zone unless signs of the type 656
described in section 2903.081 of the Revised Code are erected in 657
that construction zone in accordance with the guidelines and 658
design specifications established by the director of 659
transportation under section 5501.27 of the Revised Code. The 660
failure to erect signs of the type described in section 2903.081 661
of the Revised Code in a particular construction zone in 662
accordance with those guidelines and design specifications does 663
not limit or affect the application of division (A) (1), (A) (2) 664
(a), (A) (3) (a), or (A) (4) of this section in that construction 665
zone or the prosecution of any person who violates any of those 666
divisions in that construction zone. 667

(G) (1) As used in this section: 668

(a) "Mandatory prison term" and "mandatory jail term" have 669
the same meanings as in section 2929.01 of the Revised Code. 670

(b) "Traffic-related homicide, manslaughter, or assault 671
offense" means a violation of section 2903.04 of the Revised 672
Code in circumstances in which division (D) of that section 673
applies, a violation of section 2903.06 or 2903.08 of the 674
Revised Code, or a violation of section 2903.06, 2903.07, or 675

2903.08 of the Revised Code as they existed prior to March 23, 676
2000. 677

(c) "Construction zone" has the same meaning as in section 678
5501.27 of the Revised Code. 679

(d) "Reckless operation offense" means a violation of 680
section 4511.20 of the Revised Code or a municipal ordinance 681
substantially equivalent to section 4511.20 of the Revised Code. 682

(e) "Speeding offense" means a violation of section 683
4511.21 of the Revised Code or a municipal ordinance pertaining 684
to speed. 685

(f) "Traffic-related murder, felonious assault, or 686
attempted murder offense" means a violation of section 2903.01 687
or 2903.02 of the Revised Code in circumstances in which the 688
offender used a motor vehicle as the means to commit the 689
violation, a violation of division (A) (2) of section 2903.11 of 690
the Revised Code in circumstances in which the deadly weapon 691
used in the commission of the violation is a motor vehicle, or 692
an attempt to commit aggravated murder or murder in violation of 693
section 2923.02 of the Revised Code in circumstances in which 694
the offender used a motor vehicle as the means to attempt to 695
commit the aggravated murder or murder. 696

(g) "Motor vehicle" has the same meaning as in section 697
4501.01 of the Revised Code. 698

(2) For the purposes of this section, when a penalty or 699
suspension is enhanced because of a prior or current violation 700
of a specified law or a prior or current specified offense, the 701
reference to the violation of the specified law or the specified 702
offense includes any violation of any substantially equivalent 703
municipal ordinance, former law of this state, or current or 704

former law of another state or the United States. 705

Sec. 2903.08. (A) No person, while operating or 706
participating in the operation of a motor vehicle, motorcycle, 707
snowmobile, locomotive, watercraft, or aircraft, shall cause 708
serious physical harm to another person or another's unborn in 709
any of the following ways: 710

(1) (a) As the proximate result of committing a violation 711
of division (A) of section 4511.19 of the Revised Code or of a 712
substantially equivalent municipal ordinance; 713

(b) As the proximate result of committing a violation of 714
division (A) of section 1547.11 of the Revised Code or of a 715
substantially equivalent municipal ordinance; 716

(c) As the proximate result of committing a violation of 717
division (A) (3) of section 4561.15 of the Revised Code or of a 718
substantially equivalent municipal ordinance. 719

(2) In one of the following ways: 720

(a) As the proximate result of committing, while operating 721
or participating in the operation of a motor vehicle or 722
motorcycle in a construction zone, a reckless operation offense, 723
provided that this division applies only if the person to whom 724
the serious physical harm is caused or to whose unborn the 725
serious physical harm is caused is in the construction zone at 726
the time of the offender's commission of the reckless operation 727
offense in the construction zone and does not apply as described 728
in division (E) of this section; 729

(b) Recklessly. 730

(3) As the proximate result of committing, while operating 731
or participating in the operation of a motor vehicle or 732

motorcycle in a construction zone, a speeding offense, provided 733
that this division applies only if the person to whom the 734
serious physical harm is caused or to whose unborn the serious 735
physical harm is caused is in the construction zone at the time 736
of the offender's commission of the speeding offense in the 737
construction zone and does not apply as described in division 738
(E) of this section. 739

(B) (1) Whoever violates division (A) (1) of this section is 740
guilty of aggravated vehicular assault. Except as otherwise 741
provided in this division, aggravated vehicular assault is a 742
felony of the third degree. Aggravated vehicular assault is a 743
felony of the second degree if any of the following apply: 744

(a) At the time of the offense, the offender was driving 745
under a suspension imposed under Chapter 4510. or any other 746
provision of the Revised Code. 747

(b) The offender previously has been convicted of or 748
pleaded guilty to a violation of this section. 749

(c) The offender previously has been convicted of or 750
pleaded guilty to any traffic-related homicide, manslaughter, or 751
assault offense. 752

(d) The offender previously has been convicted of or 753
pleaded guilty to three or more prior violations of section 754
4511.19 of the Revised Code or a substantially equivalent 755
municipal ordinance within the previous ~~six~~-ten years. 756

(e) The offender previously has been convicted of or 757
pleaded guilty to three or more prior violations of division (A) 758
of section 1547.11 of the Revised Code or of a substantially 759
equivalent municipal ordinance within the previous ~~six~~-ten 760
years. 761

(f) The offender previously has been convicted of or 762
pleaded guilty to three or more prior violations of division (A) 763
(3) of section 4561.15 of the Revised Code or of a substantially 764
equivalent municipal ordinance within the previous ~~six~~-ten 765
years. 766

(g) The offender previously has been convicted of or 767
pleaded guilty to three or more prior violations of any 768
combination of the offenses listed in division (B) (1) (d), (e), 769
or (f) of this section. 770

(h) The offender previously has been convicted of or 771
pleaded guilty to a second or subsequent felony violation of 772
division (A) of section 4511.19 of the Revised Code. 773

(2) In addition to any other sanctions imposed pursuant to 774
division (B) (1) of this section, except as otherwise provided in 775
this division, the court shall impose upon the offender a class 776
three suspension of the offender's driver's license, commercial 777
driver's license, temporary instruction permit, probationary 778
license, or nonresident operating privilege from the range 779
specified in division (A) (3) of section 4510.02 of the Revised 780
Code. If the offender previously has been convicted of or 781
pleaded guilty to a violation of this section, any traffic- 782
related homicide, manslaughter, or assault offense, or any 783
traffic-related murder, felonious assault, or attempted murder 784
offense, the court shall impose either a class two suspension of 785
the offender's driver's license, commercial driver's license, 786
temporary instruction permit, probationary license, or 787
nonresident operating privilege from the range specified in 788
division (A) (2) of that section or a class one suspension as 789
specified in division (A) (1) of that section. 790

(C) (1) Whoever violates division (A) (2) or (3) of this 791

section is guilty of vehicular assault and shall be punished as 792
provided in divisions (C) (2) and (3) of this section. 793

(2) Except as otherwise provided in this division, 794
vehicular assault committed in violation of division (A) (2) of 795
this section is a felony of the fourth degree. Vehicular assault 796
committed in violation of division (A) (2) of this section is a 797
felony of the third degree if, at the time of the offense, the 798
offender was driving under a suspension imposed under Chapter 799
4510. or any other provision of the Revised Code, if the 800
offender previously has been convicted of or pleaded guilty to a 801
violation of this section or any traffic-related homicide, 802
manslaughter, or assault offense, or if, in the same course of 803
conduct that resulted in the violation of division (A) (2) of 804
this section, the offender also violated section 4549.02, 805
4549.021, or 4549.03 of the Revised Code. 806

In addition to any other sanctions imposed, the court 807
shall impose upon the offender a class four suspension of the 808
offender's driver's license, commercial driver's license, 809
temporary instruction permit, probationary license, or 810
nonresident operating privilege from the range specified in 811
division (A) (4) of section 4510.02 of the Revised Code or, if 812
the offender previously has been convicted of or pleaded guilty 813
to a violation of this section, any traffic-related homicide, 814
manslaughter, or assault offense, or any traffic-related murder, 815
felonious assault, or attempted murder offense, a class three 816
suspension of the offender's driver's license, commercial 817
driver's license, temporary instruction permit, probationary 818
license, or nonresident operating privilege from the range 819
specified in division (A) (3) of that section. 820

(3) Except as otherwise provided in this division, 821

vehicular assault committed in violation of division (A) (3) of 822
this section is a misdemeanor of the first degree. Vehicular 823
assault committed in violation of division (A) (3) of this 824
section is a felony of the fourth degree if, at the time of the 825
offense, the offender was driving under a suspension imposed 826
under Chapter 4510. or any other provision of the Revised Code 827
or if the offender previously has been convicted of or pleaded 828
guilty to a violation of this section or any traffic-related 829
homicide, manslaughter, or assault offense. 830

In addition to any other sanctions imposed, the court 831
shall impose upon the offender a class four suspension of the 832
offender's driver's license, commercial driver's license, 833
temporary instruction permit, probationary license, or 834
nonresident operating privilege from the range specified in 835
division (A) (4) of section 4510.02 of the Revised Code or, if 836
the offender previously has been convicted of or pleaded guilty 837
to a violation of this section, any traffic-related homicide, 838
manslaughter, or assault offense, or any traffic-related murder, 839
felonious assault, or attempted murder offense, a class three 840
suspension of the offender's driver's license, commercial 841
driver's license, temporary instruction permit, probationary 842
license, or nonresident operating privilege from the range 843
specified in division (A) (3) of section 4510.02 of the Revised 844
Code. 845

(D) (1) The court shall impose a mandatory prison term on 846
an offender who is convicted of or pleads guilty to a violation 847
of division (A) (1) of this section. 848

(2) The court shall impose a mandatory prison term on an 849
offender who is convicted of or pleads guilty to a violation of 850
division (A) (2) of this section or a felony violation of 851

division (A) (3) of this section if either of the following 852
applies: 853

(a) The offender previously has been convicted of or 854
pleaded guilty to a violation of this section or section 2903.06 855
of the Revised Code. 856

(b) At the time of the offense, the offender was driving 857
under suspension under Chapter 4510. or any other provision of 858
the Revised Code. 859

(3) The court shall impose a mandatory jail term of at 860
least seven days on an offender who is convicted of or pleads 861
guilty to a misdemeanor violation of division (A) (3) of this 862
section and may impose upon the offender a longer jail term as 863
authorized pursuant to section 2929.24 of the Revised Code. 864

(E) Divisions (A) (2) (a) and (3) of this section do not 865
apply in a particular construction zone unless signs of the type 866
described in section 2903.081 of the Revised Code are erected in 867
that construction zone in accordance with the guidelines and 868
design specifications established by the director of 869
transportation under section 5501.27 of the Revised Code. The 870
failure to erect signs of the type described in section 2903.081 871
of the Revised Code in a particular construction zone in 872
accordance with those guidelines and design specifications does 873
not limit or affect the application of division (A) (1) or (2) (b) 874
of this section in that construction zone or the prosecution of 875
any person who violates either of those divisions in that 876
construction zone. 877

(F) As used in this section: 878

(1) "Mandatory prison term" and "mandatory jail term" have 879
the same meanings as in section 2929.01 of the Revised Code. 880

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

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

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

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

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

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

(B) The offender previously has been convicted of or

pleaded guilty to three or more prior violations of division (A) 910
of section 1547.11 of the Revised Code or of a substantially 911
equivalent municipal ordinance within the previous ~~six~~-ten 912
years. 913

(C) The offender previously has been convicted of or 914
pleaded guilty to three or more prior violations of division (A) 915
(3) of section 4561.15 of the Revised Code or of a substantially 916
equivalent municipal ordinance within the previous ~~six~~-ten 917
years. 918

(D) The offender previously has been convicted of or 919
pleaded guilty to three or more prior violations of division (A) 920
(1) of section 2903.06 of the Revised Code. 921

(E) The offender previously has been convicted of or 922
pleaded guilty to three or more prior violations of division (A) 923
(1) of section 2903.08 of the Revised Code. 924

(F) The offender previously has been convicted of or 925
pleaded guilty to three or more prior violations of section 926
2903.04 of the Revised Code in circumstances in which division 927
(D) of that section applied regarding the violations. 928

(G) The offender previously has been convicted of or 929
pleaded guilty to three or more violations of any combination of 930
the offenses listed in division (A), (B), (C), (D), (E), or (F) 931
of this section. 932

(H) The offender previously has been convicted of or 933
pleaded guilty to a second or subsequent felony violation of 934
division (A) of section 4511.19 of the Revised Code. 935

Sec. 2951.01. As used in this chapter: 936

(A) "Magistrate" has the same meaning as in section 937

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|---|--------------------------|
| 2931.01 of the Revised Code. | 938 |
| (B) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. | 939 940 |
| (C) "Ignition interlock device" has the same meaning as in section 4511.83 <u>4510.01</u> of the Revised Code. | 941 942 |
| (D) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county. | 943 944 945 |
| (E) "Probation agency" means a county department of probation, a multicounty department of probation, a municipal court department of probation established under section 1901.33 of the Revised Code, or the adult parole authority. | 946 947 948 949 |
| (F) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code. | 950 951 952 |
| (G) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code. | 953 954 |
| (H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code. | 955 956 |
| (I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code. | 957 958 |
| (J) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. | 959 960 |
| (K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code. | 961 962 963 |
| Sec. 2951.02. (A) During the period of a misdemeanor | 964 |

offender's community control sanction or during the period of a 965
felony offender's nonresidential sanction, authorized probation 966
officers who are engaged within the scope of their supervisory 967
duties or responsibilities may search, with or without a 968
warrant, the person of the offender, the place of residence of 969
the offender, and a motor vehicle, another item of tangible or 970
intangible personal property, or other real property in which 971
the offender has a right, title, or interest or for which the 972
offender has the express or implied permission of a person with 973
a right, title, or interest to use, occupy, or possess if the 974
probation officers have reasonable grounds to believe that the 975
offender is not abiding by the law or otherwise is not complying 976
with the conditions of the misdemeanor offender's community 977
control sanction or the conditions of the felony offender's 978
nonresidential sanction. If a felony offender who is sentenced 979
to a nonresidential sanction is under the general control and 980
supervision of the adult parole authority, as described in 981
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 982
parole authority field officers with supervisory 983
responsibilities over the felony offender shall have the same 984
search authority relative to the felony offender during the 985
period of the sanction that is described under this division for 986
probation officers. The court that places the misdemeanor 987
offender under a community control sanction pursuant to section 988
2929.25 of the Revised Code or that sentences the felony 989
offender to a nonresidential sanction pursuant to section 990
2929.17 of the Revised Code shall provide the offender with a 991
written notice that informs the offender that authorized 992
probation officers or adult parole authority field officers with 993
supervisory responsibilities over the offender who are engaged 994
within the scope of their supervisory duties or responsibilities 995
may conduct those types of searches during the period of 996

community control sanction or the nonresidential sanction if 997
they have reasonable grounds to believe that the offender is not 998
abiding by the law or otherwise is not complying with the 999
conditions of the offender's community control sanction or 1000
nonresidential sanction. 1001

(B) If an offender is convicted of or pleads guilty to a 1002
misdemeanor, the court may require the offender, as a condition 1003
of the offender's sentence of a community control sanction, to 1004
perform supervised community service work in accordance with 1005
this division. If an offender is convicted of or pleads guilty 1006
to a felony, the court, pursuant to sections 2929.15 and 2929.17 1007
of the Revised Code, may impose a sanction that requires the 1008
offender to perform supervised community service work in 1009
accordance with this division. The supervised community service 1010
work shall be under the authority of health districts, park 1011
districts, counties, municipal corporations, townships, other 1012
political subdivisions of the state, or agencies of the state or 1013
any of its political subdivisions, or under the authority of 1014
charitable organizations that render services to the community 1015
or its citizens, in accordance with this division. The court may 1016
require an offender who is ordered to perform the work to pay to 1017
it a reasonable fee to cover the costs of the offender's 1018
participation in the work, including, but not limited to, the 1019
costs of procuring a policy or policies of liability insurance 1020
to cover the period during which the offender will perform the 1021
work. 1022

A court may permit any offender convicted of a felony or a 1023
misdemeanor to satisfy the payment of a fine imposed for the 1024
offense pursuant to section 2929.18 or 2929.28 of the Revised 1025
Code by performing supervised community service work as 1026
described in this division if the offender requests an 1027

opportunity to satisfy the payment by this means and if the 1028
court determines that the offender is financially unable to pay 1029
the fine. 1030

After imposing a term of community service, the court may 1031
modify the sentence to authorize a reasonable contribution to 1032
the appropriate general fund as provided in division (B) of 1033
section 2929.27 of the Revised Code. 1034

The supervised community service work that may be imposed 1035
under this division shall be subject to the following 1036
limitations: 1037

(1) The court shall fix the period of the work and, if 1038
necessary, shall distribute it over weekends or over other 1039
appropriate times that will allow the offender to continue at 1040
the offender's occupation or to care for the offender's family. 1041
The period of the work as fixed by the court shall not exceed in 1042
the aggregate the number of hours of community service imposed 1043
by the court pursuant to section 2929.17 or 2929.27 of the 1044
Revised Code. 1045

(2) An agency, political subdivision, or charitable 1046
organization must agree to accept the offender for the work 1047
before the court requires the offender to perform the work for 1048
the entity. A court shall not require an offender to perform 1049
supervised community service work for an agency, political 1050
subdivision, or charitable organization at a location that is an 1051
unreasonable distance from the offender's residence or domicile, 1052
unless the offender is provided with transportation to the 1053
location where the work is to be performed. 1054

(3) A court may enter into an agreement with a county 1055
department of job and family services for the management, 1056

placement, and supervision of offenders eligible for community 1057
service work in work activities, developmental activities, and 1058
alternative work activities under sections 5107.40 to 5107.69 of 1059
the Revised Code. If a court and a county department of job and 1060
family services have entered into an agreement of that nature, 1061
the clerk of that court is authorized to pay directly to the 1062
county department all or a portion of the fees collected by the 1063
court pursuant to this division in accordance with the terms of 1064
its agreement. 1065

(4) Community service work that a court requires under 1066
this division shall be supervised by an official of the agency, 1067
political subdivision, or charitable organization for which the 1068
work is performed or by a person designated by the agency, 1069
political subdivision, or charitable organization. The official 1070
or designated person shall be qualified for the supervision by 1071
education, training, or experience, and periodically shall 1072
report, in writing, to the court and to the offender's probation 1073
officer concerning the conduct of the offender in performing the 1074
work. 1075

(5) The total of any period of supervised community 1076
service work imposed on an offender under division (B) of this 1077
section plus the period of all other sanctions imposed pursuant 1078
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 1079
Revised Code for a felony, or pursuant to sections 2929.25, 1080
2929.26, 2929.27, and 2929.28 of the Revised Code for a 1081
misdemeanor, shall not exceed five years. 1082

(C) (1) If an offender is convicted of a violation of 1083
section 4511.19 of the Revised Code or a substantially similar 1084
~~municipal ordinance relating to operating a vehicle while under~~ 1085
~~the influence of alcohol, a drug of abuse, or a combination of~~ 1086

~~them, or a municipal ordinance relating to operating a vehicle~~ 1087
~~with a prohibited concentration of alcohol, a controlled~~ 1088
~~substance, or a metabolite of a controlled substance in the~~ 1089
~~whole blood, blood serum or plasma, breath, or urine, the court~~ 1090
may require, as a condition of a community control sanction, ~~any~~ 1091
~~suspension of a driver's or commercial driver's license or~~ 1092
~~permit or nonresident operating privilege, and all other~~ 1093
~~penalties provided by law or by ordinance,~~ that the offender 1094
operate only a motor vehicle equipped with an ignition interlock 1095
device that is certified pursuant to section 4510.43 of the 1096
Revised Code. 1097

(2) If a court requires an offender, as a condition of a 1098
community control sanction pursuant to division (C) (1) of this 1099
section, to operate only a motor vehicle equipped with an 1100
ignition interlock device that is certified pursuant to section 1101
4510.43 of the Revised Code, the offender immediately shall 1102
surrender the offender's driver's or commercial driver's license 1103
or permit to the court. Upon the receipt of the offender's 1104
license or permit, the court shall issue an order authorizing 1105
the offender to operate a motor vehicle equipped with a 1106
certified ignition interlock device, and deliver the offender's 1107
license or permit to the bureau registrar of motor vehicles, ~~and~~ 1108
~~include in the abstract of the case forwarded to the bureau~~ 1109
~~pursuant to section 4510.036 of the Revised Code the conditions~~ 1110
~~of the community control sanction imposed pursuant to division~~ 1111
~~(C) (1) of this section.~~ The court also shall give the offender a 1112
copy of its order, ~~and that copy shall be used by the offender~~ 1113
~~in lieu of a driver's or commercial driver's license or permit~~ 1114
~~until the bureau issues for purposes of obtaining a restricted~~ 1115
~~license to the offender.~~ 1116

(3) An offender shall present to the registrar or to a 1117

deputy registrar the copy of the order issued under division (C) 1118
of this section and a certificate affirming the installation of 1119
an ignition interlock device that is in a form established by 1120
the director of public safety and that is signed by the person 1121
who installed the device. Upon receipt of an offender's driver's 1122
or commercial driver's license or permit pursuant to division 1123
(C) (2) of this section, presentation of the order and 1124
certificate, the bureau of motor vehicles registrar or deputy 1125
registrar shall issue a restricted license to the offender, 1126
unless the offender's driver's license or commercial driver's 1127
license or permit is suspended under any other provision of law 1128
and limited driving privileges have not been granted with regard 1129
to that suspension. The restricted license shall be identical to 1130
the surrendered license, except that it shall have printed on 1131
its face a statement that the offender is prohibited from 1132
operating a motor vehicle that is not equipped with an ignition 1133
interlock device that is certified pursuant to section 4510.43 1134
of the Revised Code. The ~~bureau~~ registrar shall deliver the 1135
offender's surrendered license or permit to the court upon 1136
receipt of a court order requiring it to do so, or reissue the 1137
offender's license or permit under section 4510.52 of the 1138
Revised Code if the registrar destroyed the offender's license 1139
or permit under that section. The offender shall surrender the 1140
restricted license to the court upon receipt of the offender's 1141
surrendered license or permit. 1142

(4) If an offender violates a requirement of the court 1143
imposed under division (C) (1) of this section, the court may 1144
impose a class seven suspension of the offender's driver's or 1145
commercial driver's license or permit or nonresident operating 1146
privilege from the range specified in division (A) (7) of section 1147
4510.02 of the Revised Code. On a second or subsequent 1148

violation, the court may impose a class four suspension of the 1149
offender's driver's or commercial driver's license or permit or 1150
nonresident operating privilege from the range specified in 1151
division (A) (4) of section 4510.02 of the Revised Code. 1152

Sec. 3327.10. (A) No person shall be employed as driver of 1153
a school bus or motor van, owned and operated by any school 1154
district or educational service center or privately owned and 1155
operated under contract with any school district or service 1156
center in this state, who has not received a certificate from 1157
either the educational service center governing board that has 1158
entered into an agreement with the school district under section 1159
3313.843 or 3313.845 of the Revised Code or the superintendent 1160
of the school district, certifying that such person is at least 1161
eighteen years of age and is of good moral character and is 1162
qualified physically and otherwise for such position. The 1163
service center governing board or the superintendent, as the 1164
case may be, shall provide for an annual physical examination 1165
that conforms with rules adopted by the state board of education 1166
of each driver to ascertain the driver's physical fitness for 1167
such employment. Any certificate may be revoked by the authority 1168
granting the same on proof that the holder has been guilty of 1169
failing to comply with division (D) (1) of this section, or upon 1170
a conviction or a guilty plea for a violation, or any other 1171
action, that results in a loss or suspension of driving rights. 1172
Failure to comply with such division may be cause for 1173
disciplinary action or termination of employment under division 1174
(C) of section 3319.081, or section 124.34 of the Revised Code. 1175

(B) No person shall be employed as driver of a school bus 1176
or motor van not subject to the rules of the department of 1177
education pursuant to division (A) of this section who has not 1178
received a certificate from the school administrator or 1179

contractor certifying that such person is at least eighteen 1180
years of age, is of good moral character, and is qualified 1181
physically and otherwise for such position. Each driver shall 1182
have an annual physical examination which conforms to the state 1183
highway patrol rules, ascertaining the driver's physical fitness 1184
for such employment. The examination shall be performed by one 1185
of the following: 1186

(1) A person licensed under Chapter 4731. of the Revised 1187
Code or by another state to practice medicine and surgery or 1188
osteopathic medicine and surgery; 1189

(2) A physician assistant; 1190

(3) A certified nurse practitioner; 1191

(4) A clinical nurse specialist; 1192

(5) A certified nurse-midwife. 1193

Any written documentation of the physical examination 1194
shall be completed by the individual who performed the 1195
examination. 1196

Any certificate may be revoked by the authority granting 1197
the same on proof that the holder has been guilty of failing to 1198
comply with division (D) (2) of this section. 1199

(C) Any person who drives a school bus or motor van must 1200
give satisfactory and sufficient bond except a driver who is an 1201
employee of a school district and who drives a bus or motor van 1202
owned by the school district. 1203

(D) No person employed as driver of a school bus or motor 1204
van under this section who is convicted of a traffic violation 1205
or who has had the person's commercial driver's license 1206
suspended shall drive a school bus or motor van until the person 1207

has filed a written notice of the conviction or suspension, as 1208
follows: 1209

(1) If the person is employed under division (A) of this 1210
section, the person shall file the notice with the 1211
superintendent, or a person designated by the superintendent, of 1212
the school district for which the person drives a school bus or 1213
motor van as an employee or drives a privately owned and 1214
operated school bus or motor van under contract. 1215

(2) If employed under division (B) of this section, the 1216
person shall file the notice with the employing school 1217
administrator or contractor, or a person designated by the 1218
administrator or contractor. 1219

(E) In addition to resulting in possible revocation of a 1220
certificate as authorized by divisions (A) and (B) of this 1221
section, violation of division (D) of this section is a minor 1222
misdemeanor. 1223

(F) (1) Not later than thirty days after June 30, 2007, 1224
each owner of a school bus or motor van shall obtain the 1225
complete driving record for each person who is currently 1226
employed or otherwise authorized to drive the school bus or 1227
motor van. An owner of a school bus or motor van shall not 1228
permit a person to operate the school bus or motor van for the 1229
first time before the owner has obtained the person's complete 1230
driving record. Thereafter, the owner of a school bus or motor 1231
van shall obtain the person's driving record not less frequently 1232
than semiannually if the person remains employed or otherwise 1233
authorized to drive the school bus or motor van. An owner of a 1234
school bus or motor van shall not permit a person to resume 1235
operating a school bus or motor van, after an interruption of 1236
one year or longer, before the owner has obtained the person's 1237

complete driving record. 1238

(2) The owner of a school bus or motor van shall not 1239
permit a person to operate the school bus or motor van for ~~six-~~ 1240
ten years after the date on which the person pleads guilty to or 1241
is convicted of a violation of section 4511.19 of the Revised 1242
Code or a substantially equivalent municipal ordinance. 1243

(3) An owner of a school bus or motor van shall not permit 1244
any person to operate such a vehicle unless the person meets all 1245
other requirements contained in rules adopted by the state board 1246
of education prescribing qualifications of drivers of school 1247
buses and other student transportation. 1248

(G) No superintendent of a school district, educational 1249
service center, community school, or public or private employer 1250
shall permit the operation of a vehicle used for pupil 1251
transportation within this state by an individual unless both of 1252
the following apply: 1253

(1) Information pertaining to that driver has been 1254
submitted to the department of education, pursuant to procedures 1255
adopted by that department. Information to be reported shall 1256
include the name of the employer or school district, name of the 1257
driver, driver license number, date of birth, date of hire, 1258
status of physical evaluation, and status of training. 1259

(2) The most recent criminal records check required by 1260
division (J) of this section has been completed and received by 1261
the superintendent or public or private employer. 1262

(H) A person, school district, educational service center, 1263
community school, nonpublic school, or other public or nonpublic 1264
entity that owns a school bus or motor van, or that contracts 1265
with another entity to operate a school bus or motor van, may 1266

impose more stringent restrictions on drivers than those 1267
prescribed in this section, in any other section of the Revised 1268
Code, and in rules adopted by the state board. 1269

(I) For qualified drivers who, on July 1, 2007, are 1270
employed by the owner of a school bus or motor van to drive the 1271
school bus or motor van, any instance in which the driver was 1272
convicted of or pleaded guilty to a violation of section 4511.19 1273
of the Revised Code or a substantially equivalent municipal 1274
ordinance prior to two years prior to July 1, 2007, shall not be 1275
considered a disqualifying event with respect to division (F) of 1276
this section. 1277

(J) (1) This division applies to persons hired by a school 1278
district, educational service center, community school, 1279
chartered nonpublic school, or science, technology, engineering, 1280
and mathematics school established under Chapter 3326. of the 1281
Revised Code to operate a vehicle used for pupil transportation. 1282

For each person to whom this division applies who is hired 1283
on or after November 14, 2007, the employer shall request a 1284
criminal records check in accordance with section 3319.39 of the 1285
Revised Code and every six years thereafter. For each person to 1286
whom this division applies who is hired prior to that date, the 1287
employer shall request a criminal records check by a date 1288
prescribed by the department of education and every six years 1289
thereafter. 1290

(2) This division applies to persons hired by a public or 1291
private employer not described in division (J) (1) of this 1292
section to operate a vehicle used for pupil transportation. 1293

For each person to whom this division applies who is hired 1294
on or after November 14, 2007, the employer shall request a 1295

criminal records check prior to the person's hiring and every 1296
six years thereafter. For each person to whom this division 1297
applies who is hired prior to that date, the employer shall 1298
request a criminal records check by a date prescribed by the 1299
department and every six years thereafter. 1300

(3) Each request for a criminal records check under 1301
division (J) of this section shall be made to the superintendent 1302
of the bureau of criminal identification and investigation in 1303
the manner prescribed in section 3319.39 of the Revised Code, 1304
except that if both of the following conditions apply to the 1305
person subject to the records check, the employer shall request 1306
the superintendent only to obtain any criminal records that the 1307
federal bureau of investigation has on the person: 1308

(a) The employer previously requested the superintendent 1309
to determine whether the bureau of criminal identification and 1310
investigation has any information, gathered pursuant to division 1311
(A) of section 109.57 of the Revised Code, on the person in 1312
conjunction with a criminal records check requested under 1313
section 3319.39 of the Revised Code or under division (J) of 1314
this section. 1315

(b) The person presents proof that the person has been a 1316
resident of this state for the five-year period immediately 1317
prior to the date upon which the person becomes subject to a 1318
criminal records check under this section. 1319

Upon receipt of a request, the superintendent shall 1320
conduct the criminal records check in accordance with section 1321
109.572 of the Revised Code as if the request had been made 1322
under section 3319.39 of the Revised Code. However, as specified 1323
in division (B) (2) of section 109.572 of the Revised Code, if 1324
the employer requests the superintendent only to obtain any 1325

criminal records that the federal bureau of investigation has on 1326
the person for whom the request is made, the superintendent 1327
shall not conduct the review prescribed by division (B) (1) of 1328
that section. 1329

(K) (1) Until the effective date of the amendments to rule 1330
3301-83-23 of the Ohio Administrative Code required by the 1331
second paragraph of division (E) of section 3319.39 of the 1332
Revised Code, any person who is the subject of a criminal 1333
records check under division (J) of this section and has been 1334
convicted of or pleaded guilty to any offense described in 1335
division (B) (1) of section 3319.39 of the Revised Code shall not 1336
be hired or shall be released from employment, as applicable, 1337
unless the person meets the rehabilitation standards prescribed 1338
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 1339
Administrative Code. 1340

(2) Beginning on the effective date of the amendments to 1341
rule 3301-83-23 of the Ohio Administrative Code required by the 1342
second paragraph of division (E) of section 3319.39 of the 1343
Revised Code, any person who is the subject of a criminal 1344
records check under division (J) of this section and has been 1345
convicted of or pleaded guilty to any offense that, under the 1346
rule, disqualifies a person for employment to operate a vehicle 1347
used for pupil transportation shall not be hired or shall be 1348
released from employment, as applicable, unless the person meets 1349
the rehabilitation standards prescribed by the rule. 1350

Sec. 4505.11. This section shall also apply to all-purpose 1351
vehicles and off-highway motorcycles as defined in section 1352
4519.01 of the Revised Code. 1353

(A) Each owner of a motor vehicle and each person 1354
mentioned as owner in the last certificate of title, when the 1355

motor vehicle is dismantled, destroyed, or changed in such 1356
manner that it loses its character as a motor vehicle, or 1357
changed in such manner that it is not the motor vehicle 1358
described in the certificate of title, shall surrender the 1359
certificate of title to that motor vehicle to a clerk of a court 1360
of common pleas, and the clerk, with the consent of any holders 1361
of any liens noted on the certificate of title, then shall enter 1362
a cancellation upon the clerk's records and shall notify the 1363
registrar of motor vehicles of the cancellation. 1364

Upon the cancellation of a certificate of title in the 1365
manner prescribed by this section, any clerk and the registrar 1366
of motor vehicles may cancel and destroy all certificates and 1367
all memorandum certificates in that chain of title. 1368

(B) (1) If an Ohio certificate of title or salvage 1369
certificate of title to a motor vehicle is assigned to a salvage 1370
dealer, the dealer is not required to obtain an Ohio certificate 1371
of title or a salvage certificate of title to the motor vehicle 1372
in the dealer's own name if the dealer dismantles or destroys 1373
the motor vehicle, indicates the number of the dealer's motor 1374
vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" 1375
across the face of the certificate of title or salvage 1376
certificate of title, and surrenders the certificate of title or 1377
salvage certificate of title to a clerk of a court of common 1378
pleas as provided in division (A) of this section. If the 1379
salvage dealer retains the motor vehicle for resale, the dealer 1380
shall make application for a salvage certificate of title to the 1381
motor vehicle in the dealer's own name as provided in division 1382
(C) (1) of this section. 1383

(2) At the time any salvage motor vehicle is sold at 1384
auction or through a pool, the salvage motor vehicle auction or 1385

salvage motor vehicle pool shall give a copy of the salvage 1386
certificate of title or a copy of the certificate of title 1387
marked "FOR DESTRUCTION" to the purchaser. 1388

(C) (1) When an insurance company declares it economically 1389
impractical to repair such a motor vehicle and has paid an 1390
agreed price for the purchase of the motor vehicle to any 1391
insured or claimant owner, the insurance company shall proceed 1392
as follows: 1393

(a) If an insurance company receives the certificate of 1394
title and the motor vehicle, within thirty business days, the 1395
insurance company shall deliver the certificate of title to a 1396
clerk of a court of common pleas and shall make application for 1397
a salvage certificate of title. 1398

(b) If an insurance company obtains possession of the 1399
motor vehicle but is unable to obtain the properly endorsed 1400
certificate of title for the motor vehicle within thirty 1401
business days following the vehicle's owner or lienholder's 1402
acceptance of the insurance company's payment for the vehicle, 1403
the insurance company may apply to the clerk of a court of 1404
common pleas for a salvage certificate of title without 1405
delivering the certificate of title for the motor vehicle. The 1406
application shall be accompanied by evidence that the insurance 1407
company has paid a total loss claim on the vehicle, a copy of 1408
the written request for the certificate of title from the 1409
insurance company or its designee, and proof that the request 1410
was delivered by a nationally recognized courier service to the 1411
last known address of the owner of the vehicle and any known 1412
lienholder, to obtain the certificate of title. 1413

(c) Upon receipt of a properly completed application for a 1414
salvage certificate of title as described in division (C) (1) (a) 1415

or (b) or (C) (2) of this section, the clerk shall issue the 1416
salvage certificate of title on a form, prescribed by the 1417
registrar, that shall be easily distinguishable from the 1418
original certificate of title and shall bear the same 1419
information as the original certificate of title except that it 1420
may bear a different number than that of the original 1421
certificate of title. The salvage certificate of title shall 1422
include the following notice in bold lettering: 1423

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 1424

Except as provided in division (C) (3) of this section, the 1425
salvage certificate of title shall be assigned by the insurance 1426
company to a salvage dealer or any other person for use as 1427
evidence of ownership upon the sale or other disposition of the 1428
motor vehicle, and the salvage certificate of title shall be 1429
~~transferrable~~transferable to any other person. The clerk shall 1430
charge a fee of four dollars for the cost of processing each 1431
salvage certificate of title. 1432

(2) If an insurance company requests that a salvage motor 1433
vehicle auction take possession of a motor vehicle that is the 1434
subject of an insurance claim, and subsequently the insurance 1435
company denies coverage with respect to the motor vehicle or 1436
does not otherwise take ownership of the motor vehicle, the 1437
salvage motor vehicle auction may proceed as follows. After the 1438
salvage motor vehicle auction has possession of the motor 1439
vehicle for forty-five days, it may apply to the clerk of a 1440
court of common pleas for a salvage certificate of title without 1441
delivering the certificate of title for the motor vehicle. The 1442
application shall be accompanied by a copy of the written 1443
request that the vehicle be removed from the facility on the 1444
salvage motor vehicle auction's letterhead, and ~~the original~~ 1445

~~certified mail, return receipt notice, addressed proof that the~~ 1446
~~request was delivered by a nationally recognized courier service~~ 1447
to the last known address of the owner of the vehicle and any 1448
known lienholder, requesting that the vehicle be removed from 1449
the facility of the salvage motor vehicle auction. Upon receipt 1450
of a properly completed application, the clerk shall follow the 1451
process as described in division (C)(1)(c) of this section. The 1452
salvage certificate of title so issued shall be free and clear 1453
of all liens. 1454

(3) If an insurance company considers a motor vehicle as 1455
described in division (C)(1)(a) or (b) of this section to be 1456
impossible to restore for highway operation, the insurance 1457
company may assign the certificate of title to the motor vehicle 1458
to a salvage dealer or scrap metal processing facility and send 1459
the assigned certificate of title to the clerk of the court of 1460
common pleas of any county. The insurance company shall mark the 1461
face of the certificate of title "FOR DESTRUCTION" and shall 1462
deliver a photocopy of the certificate of title to the salvage 1463
dealer or scrap metal processing facility for its records. 1464

(4) If an insurance company declares it economically 1465
impractical to repair a motor vehicle, agrees to pay to the 1466
insured or claimant owner an amount in settlement of a claim 1467
against a policy of motor vehicle insurance covering the motor 1468
vehicle, and agrees to permit the insured or claimant owner to 1469
retain possession of the motor vehicle, the insurance company 1470
shall not pay the insured or claimant owner any amount in 1471
settlement of the insurance claim until the owner obtains a 1472
salvage certificate of title to the vehicle and furnishes a copy 1473
of the salvage certificate of title to the insurance company. 1474

(D) When a self-insured organization, rental or leasing 1475

company, or secured creditor becomes the owner of a motor 1476
vehicle that is burned, damaged, or dismantled and is determined 1477
to be economically impractical to repair, the self-insured 1478
organization, rental or leasing company, or secured creditor 1479
shall do one of the following: 1480

(1) Mark the face of the certificate of title to the motor 1481
vehicle "FOR DESTRUCTION" and surrender the certificate of title 1482
to a clerk of a court of common pleas for cancellation as 1483
described in division (A) of this section. The self-insured 1484
organization, rental or leasing company, or secured creditor 1485
then shall deliver the motor vehicle, together with a photocopy 1486
of the certificate of title, to a salvage dealer or scrap metal 1487
processing facility and shall cause the motor vehicle to be 1488
dismantled, flattened, crushed, or destroyed. 1489

(2) Obtain a salvage certificate of title to the motor 1490
vehicle in the name of the self-insured organization, rental or 1491
leasing company, or secured creditor, as provided in division 1492
(C)(1) of this section, and then sell or otherwise dispose of 1493
the motor vehicle. If the motor vehicle is sold, the self- 1494
insured organization, rental or leasing company, or secured 1495
creditor shall obtain a salvage certificate of title to the 1496
motor vehicle in the name of the purchaser from a clerk of a 1497
court of common pleas. 1498

(E) If a motor vehicle titled with a salvage certificate 1499
of title is restored for operation upon the highways, 1500
application shall be made to a clerk of a court of common pleas 1501
for a certificate of title. Upon inspection by the state highway 1502
patrol, which shall include establishing proof of ownership and 1503
an inspection of the motor number and vehicle identification 1504
number of the motor vehicle and of documentation or receipts for 1505

the materials used in restoration by the owner of the motor 1506
vehicle being inspected, which documentation or receipts shall 1507
be presented at the time of inspection, the clerk, upon 1508
surrender of the salvage certificate of title, shall issue a 1509
certificate of title for a fee prescribed by the registrar. The 1510
certificate of title shall be in the same form as the original 1511
certificate of title and shall bear the words "REBUILT SALVAGE" 1512
in black boldface letters on its face. Every subsequent 1513
certificate of title, memorandum certificate of title, or 1514
duplicate certificate of title issued for the motor vehicle also 1515
shall bear the words "REBUILT SALVAGE" in black boldface letters 1516
on its face. The exact location on the face of the certificate 1517
of title of the words "REBUILT SALVAGE" shall be determined by 1518
the registrar, who shall develop an automated procedure within 1519
the automated title processing system to comply with this 1520
division. The clerk shall use reasonable care in performing the 1521
duties imposed on the clerk by this division in issuing a 1522
certificate of title pursuant to this division, but the clerk is 1523
not liable for any of the clerk's errors or omissions or those 1524
of the clerk's deputies, or the automated title processing 1525
system in the performance of those duties. A fee of fifty 1526
dollars shall be assessed by the state highway patrol for each 1527
inspection made pursuant to this division and shall be deposited 1528
into the state highway safety fund established by section 1529
4501.06 of the Revised Code. 1530

(F) No person shall operate upon the highways in this 1531
state a motor vehicle, title to which is evidenced by a salvage 1532
certificate of title, except to deliver the motor vehicle 1533
pursuant to an appointment for an inspection under this section. 1534

(G) No motor vehicle the certificate of title to which has 1535
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 1536

court of common pleas shall be used for anything except parts 1537
and scrap metal. 1538

(H) (1) Except as otherwise provided in this division, an 1539
owner of a manufactured or mobile home that will be taxed as 1540
real property pursuant to division (B) of section 4503.06 of the 1541
Revised Code shall surrender the certificate of title to the 1542
auditor of the county containing the taxing district in which 1543
the home is located. An owner whose home qualifies for real 1544
property taxation under divisions (B) (1) (a) and (b) of section 1545
4503.06 of the Revised Code shall surrender the certificate 1546
within fifteen days after the home meets the conditions 1547
specified in those divisions. The auditor shall deliver the 1548
certificate of title to the clerk of the court of common pleas 1549
who issued it. 1550

(2) If the certificate of title for a manufactured or 1551
mobile home that is to be taxed as real property is held by a 1552
lienholder, the lienholder shall surrender the certificate of 1553
title to the auditor of the county containing the taxing 1554
district in which the home is located, and the auditor shall 1555
deliver the certificate of title to the clerk of the court of 1556
common pleas who issued it. The lienholder shall surrender the 1557
certificate within thirty days after both of the following have 1558
occurred: 1559

(a) The homeowner has provided written notice to the 1560
lienholder requesting that the certificate of title be 1561
surrendered to the auditor of the county containing the taxing 1562
district in which the home is located. 1563

(b) The homeowner has either paid the lienholder the 1564
remaining balance owed to the lienholder, or, with the 1565
lienholder's consent, executed and delivered to the lienholder a 1566

mortgage on the home and land on which the home is sited in the 1567
amount of the remaining balance owed to the lienholder. 1568

(3) Upon the delivery of a certificate of title by the 1569
county auditor to the clerk, the clerk shall inactivate it and 1570
maintain it in the automated title processing system for a 1571
period of thirty years. 1572

(4) Upon application by the owner of a manufactured or 1573
mobile home that is taxed as real property pursuant to division 1574
(B) of section 4503.06 of the Revised Code and that no longer 1575
satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and 1576
(b) of that section, the clerk shall reactivate the record of 1577
the certificate of title that was inactivated under division (H) 1578
(3) of this section and shall issue a new certificate of title, 1579
but only if the application contains or has attached to it all 1580
of the following: 1581

(a) An endorsement of the county treasurer that all real 1582
property taxes charged against the home under Title LVII of the 1583
Revised Code and division (B) of section 4503.06 of the Revised 1584
Code for all preceding tax years have been paid; 1585

(b) An endorsement of the county auditor that the home 1586
will be removed from the real property tax list; 1587

(c) Proof that there are no outstanding mortgages or other 1588
liens on the home or, if there are such mortgages or other 1589
liens, that the mortgagee or lienholder has consented to the 1590
reactivation of the certificate of title. 1591

(I) (1) Whoever violates division (F) of this section shall 1592
be fined not more than two thousand dollars, imprisoned not more 1593
than one year, or both. 1594

(2) Whoever violates division (G) of this section shall be 1595

fined not more than one thousand dollars, imprisoned not more 1596
than six months, or both. 1597

Sec. 4510.022. (A) As used in this section: 1598

(1) "First-time offender" means a person whose driver's 1599
license or commercial driver's license or permit or nonresident 1600
operating privilege has been suspended for being convicted of, 1601
or pleading guilty to, an OVI offense under any of the 1602
following: 1603

(a) Division (G) (1) (a) or (H) (1) of section 4511.19 of the 1604
Revised Code; 1605

(b) Section 4510.07 of the Revised Code for a municipal 1606
OVI offense when the offense is equivalent to an offense under 1607
division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised 1608
Code; 1609

(c) Division (B) or (D) of section 4510.17 of the Revised 1610
Code when the offense is equivalent to an offense under division 1611
(G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code. 1612

(2) "OVI offense" means a violation of section 4511.19 of 1613
the Revised Code or a violation of a substantially similar 1614
municipal ordinance or law of another state or the United 1615
States. 1616

(3) "Unlimited driving privileges" means driving 1617
privileges that are unrestricted as to purpose, time, and place, 1618
but that are subject to any other reasonable conditions imposed 1619
by a court under division (C) (2) of this section. 1620

(B) A first-time offender may file a petition for 1621
unlimited driving privileges with a certified ignition interlock 1622
device during the period of suspension imposed for an OVI 1623

offense in the same manner and in the same venue as the person 1624
is permitted to apply for limited driving privileges. 1625

(C) (1) With regard to a first-time offender, in any 1626
circumstance in which a court is authorized to grant limited 1627
driving privileges under section 4510.021, 4510.13, or 4510.17 1628
of the Revised Code during the period of suspension, as 1629
applicable, the court may instead grant unlimited driving 1630
privileges with a certified ignition interlock device. No court 1631
shall grant unlimited driving privileges with a certified 1632
ignition interlock device during any period, or under any 1633
circumstance, that the court is prohibited from granting limited 1634
driving privileges. 1635

(2) All of the following apply when a court grants 1636
unlimited driving privileges with a certified ignition interlock 1637
device to a first-time offender: 1638

(a) The court shall issue an order authorizing the first- 1639
time offender to operate a motor vehicle only if the vehicle is 1640
equipped with a certified ignition interlock device, except as 1641
provided in division (C) of section 4510.43 of the Revised Code. 1642
The order may include any reasonable conditions other than 1643
conditions that restrict the driving privileges in terms of 1644
purpose, time, or place. 1645

The court shall provide to the first-time offender a copy 1646
of the order and a notice that the first-time offender is 1647
subject to the sanctions specified in division (E) of this 1648
section. 1649

The court also shall submit a copy of the order to the 1650
registrar of motor vehicles. 1651

(b) The court may reduce the period of suspension imposed 1652

by the court by an amount of time not greater than half the 1653
period of suspension. 1654

(c) The court shall suspend any jail term imposed for the 1655
OVI offense. The court shall retain jurisdiction over the first- 1656
time offender until the expiration of the period of suspension 1657
imposed for the OVI offense and, if the offender violates any 1658
term or condition of the order during the period of suspension, 1659
the court shall require the first-time offender to serve the 1660
jail term. 1661

(D) (1) A first-time offender shall present to the 1662
registrar or to a deputy registrar an order issued under this 1663
section and a certificate affirming the installation of a 1664
certified ignition interlock device that is in a form 1665
established by the director of public safety and that is signed 1666
by the person who installed the device. Upon presentation of the 1667
order and certificate to the registrar or a deputy registrar, 1668
the registrar or deputy registrar shall issue the offender a 1669
restricted license, unless the offender's driver's or commercial 1670
driver's license or permit is suspended under any other 1671
provision of law and limited driving privileges have not been 1672
granted with regard to that suspension. A restricted license 1673
issued under this division shall be identical to an Ohio 1674
driver's license, except that it shall have printed on its face 1675
a statement that the offender is prohibited from operating any 1676
motor vehicle that is not equipped with a certified ignition 1677
interlock device. 1678

(2) (a) No person who has been granted unlimited driving 1679
privileges with a certified ignition interlock device under this 1680
section shall operate a motor vehicle prior to obtaining a 1681
restricted license. Any person who violates this prohibition is 1682

subject to the penalties prescribed in section 4510.14 of the 1683
Revised Code. 1684

(b) The offense established under division (D) (2) (a) of 1685
this section is a strict liability offense and section 2901.20 1686
of the Revised Code does not apply. 1687

(E) If a first-time offender has been granted unlimited 1688
driving privileges with a certified ignition interlock device 1689
under this section and the first-time offender either commits an 1690
ignition interlock device violation as defined under section 1691
4510.46 of the Revised Code or the first-time offender operates 1692
a motor vehicle that is not equipped with a certified ignition 1693
interlock device, the following applies: 1694

(1) On a first violation, the court may require the first- 1695
time offender to wear a monitor that provides continuous alcohol 1696
monitoring that is remote. 1697

(2) On a second violation, the court shall require the 1698
first-time offender to wear a monitor that provides continuous 1699
alcohol monitoring that is remote for a minimum of forty days. 1700

(3) On a third or subsequent violation, the court shall 1701
require the first-time offender to wear a monitor that provides 1702
continuous alcohol monitoring that is remote for a minimum of 1703
sixty days. 1704

(4) With regard to any instance, the judge may increase 1705
the period of suspension and the period during which the first- 1706
time offender must drive a motor vehicle equipped with a 1707
certified ignition interlock device in the same manner as 1708
provided in division (A) (8) (c) of section 4510.13 of the Revised 1709
Code. The limitation under division (E) of section 4510.46 of 1710
the Revised Code applies to an increase under division (E) (4) of 1711

this section. 1712

(5) If the instance occurred within sixty days of the end 1713
of the suspension of the offender's driver's or commercial 1714
driver's license or permit or nonresident operating privilege 1715
and the court does not increase the period of the suspension 1716
under division (E) (4) of this section, the court shall proceed 1717
as follows: 1718

(a) Issue an order extending the period of suspension and 1719
the period of time during which the first-time offender must 1720
drive a vehicle equipped with a certified ignition interlock 1721
device so that the suspension terminates sixty days from the 1722
date the offender committed that violation. 1723

(b) For each violation subsequent to a violation for which 1724
an extension was ordered under division (E) (5) (a) of this 1725
section, issue an order extending the period of suspension and 1726
the period of time during which the first-time offender must 1727
drive a vehicle equipped with a certified ignition interlock 1728
device so that the suspension terminates sixty days from the 1729
date the offender committed that violation. 1730

The registrar of motor vehicles is prohibited from 1731
reinstating a first-time offender's license unless the 1732
applicable period of suspension has been served and no ignition 1733
interlock device violations have been committed within the sixty 1734
days prior to the application for reinstatement. 1735

(F) With respect to an order issued under this section, 1736
the judge shall impose an additional court cost of two dollars 1737
and fifty cents upon the first-time offender. The judge shall 1738
not waive this payment unless the judge determines that the 1739
first-time offender is indigent and waives the payment of all 1740

court costs imposed upon the indigent first-time offender. The 1741
clerk of court shall transmit one hundred per cent of this 1742
mandatory court cost collected during a month on or before the 1743
twenty-third day of the following month to the state treasury to 1744
be credited to the state highway safety fund created under 1745
section 4501.06 of the Revised Code. The department of public 1746
safety shall use the amounts collected to cover costs associated 1747
with maintaining the habitual OVI/OMWI offender registry created 1748
under section 5502.10 of the Revised Code. 1749

A judge may impose an additional court cost of two dollars 1750
and fifty cents upon the first-time offender. The clerk of court 1751
shall retain this discretionary two dollar and fifty cent court 1752
cost, if imposed. The clerk shall deposit it in the court's 1753
special projects fund that is established under division (E) (1) 1754
of section 2303.201, division (B) (1) of section 1901.26, or 1755
division (B) (1) of section 1907.24 of the Revised Code. 1756

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this 1757
section apply to a judge or mayor regarding the suspension of, 1758
or the grant of limited driving privileges during a suspension 1759
of, an offender's driver's or commercial driver's license or 1760
permit or nonresident operating privilege imposed under division 1761
(G) or (H) of section 4511.19 of the Revised Code, under 1762
division (B) or (C) of section 4511.191 of the Revised Code, or 1763
under section 4510.07 of the Revised Code for a conviction of a 1764
violation of a municipal OVI ordinance. 1765

(2) No judge or mayor shall suspend the following portions 1766
of the suspension of an offender's driver's or commercial 1767
driver's license or permit or nonresident operating privilege 1768
imposed under division (G) or (H) of section 4511.19 of the 1769
Revised Code or under section 4510.07 of the Revised Code for a 1770

conviction of a violation of a municipal OVI ordinance, provided 1771
that division (A) (2) of this section does not limit a court or 1772
mayor in crediting any period of suspension imposed pursuant to 1773
division (B) or (C) of section 4511.191 of the Revised Code 1774
against any time of judicial suspension imposed pursuant to 1775
section 4511.19 or 4510.07 of the Revised Code, as described in 1776
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 1777
Code: 1778

(a) The first six months of a suspension imposed under 1779
division (G) (1) (a) of section 4511.19 of the Revised Code or of 1780
a comparable length suspension imposed under section 4510.07 of 1781
the Revised Code; 1782

(b) The first year of a suspension imposed under division 1783
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 1784
comparable length suspension imposed under section 4510.07 of 1785
the Revised Code; 1786

(c) The first three years of a suspension imposed under 1787
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1788
or of a comparable length suspension imposed under section 1789
4510.07 of the Revised Code; 1790

(d) The first sixty days of a suspension imposed under 1791
division (H) of section 4511.19 of the Revised Code or of a 1792
comparable length suspension imposed under section 4510.07 of 1793
the Revised Code. 1794

(3) No judge or mayor shall grant limited driving 1795
privileges to an offender whose driver's or commercial driver's 1796
license or permit or nonresident operating privilege has been 1797
suspended under division (G) or (H) of section 4511.19 of the 1798
Revised Code, under division (C) of section 4511.191 of the 1799

Revised Code, or under section 4510.07 of the Revised Code for a 1800
municipal OVI conviction if the offender, within the preceding 1801
~~six-ten~~ years, has been convicted of or pleaded guilty to three 1802
or more violations of one or more of the Revised Code sections, 1803
municipal ordinances, statutes of the United States or another 1804
state, or municipal ordinances of a municipal corporation of 1805
another state that are identified in divisions (G) (2) (b) to (h) 1806
of section 2919.22 of the Revised Code. 1807

Additionally, no judge or mayor shall grant limited 1808
driving privileges to an offender whose driver's or commercial 1809
driver's license or permit or nonresident operating privilege 1810
has been suspended under division (B) of section 4511.191 of the 1811
Revised Code if the offender, within the preceding ~~six-ten~~ 1812
years, has refused three previous requests to consent to a 1813
chemical test of the person's whole blood, blood serum or 1814
plasma, breath, or urine to determine its alcohol content. 1815

(4) No judge or mayor shall grant limited driving 1816
privileges for employment as a driver of commercial motor 1817
vehicles to an offender whose driver's or commercial driver's 1818
license or permit or nonresident operating privilege has been 1819
suspended under division (G) or (H) of section 4511.19 of the 1820
Revised Code, under division (B) or (C) of section 4511.191 of 1821
the Revised Code, or under section 4510.07 of the Revised Code 1822
for a municipal OVI conviction if the offender is disqualified 1823
from operating a commercial motor vehicle, or whose license or 1824
permit has been suspended, under section 3123.58 or 4506.16 of 1825
the Revised Code. 1826

(5) No judge or mayor shall grant limited driving 1827
privileges to an offender whose driver's or commercial driver's 1828
license or permit or nonresident operating privilege has been 1829

suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance during any of the following periods of time:

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

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

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

the Revised Code. 1860

(d) The first one hundred eighty days of a suspension 1861
imposed under division (C)(1)(c) of section 4511.191 of the 1862
Revised Code. On or after the one hundred eighty-first day of 1863
suspension, the court may grant limited driving privileges, and 1864
either of the following applies: 1865

(i) If the underlying arrest is alcohol-related, the court 1866
shall issue an order that, except as provided in division (C) of 1867
section 4510.43 of the Revised Code, for the remainder of the 1868
period of suspension the offender shall not exercise the 1869
privileges unless the vehicles the offender operates are 1870
equipped with a certified ignition interlock device. 1871

(ii) If the underlying arrest is drug-related, the court 1872
in its discretion may issue an order that, except as provided in 1873
division (C) of section 4510.43 of the Revised Code, for the 1874
remainder of the period of suspension the offender shall not 1875
exercise the privileges unless the vehicles the offender 1876
operates are equipped with a certified ignition interlock 1877
device. 1878

(e) The first forty-five days of a suspension imposed 1879
under division (G)(1)(b) of section 4511.19 of the Revised Code 1880
or a comparable length suspension imposed under section 4510.07 1881
of the Revised Code. On or after the forty-sixth day of the 1882
suspension, the court may grant limited driving privileges, and 1883
either of the following applies: 1884

(i) If the underlying conviction is alcohol-related, the 1885
court shall issue an order that, except as provided in division 1886
(C) of section 4510.43 of the Revised Code, for the remainder of 1887
the period of suspension the offender shall not exercise the 1888

privileges unless the vehicles the offender operates are 1889
equipped with a certified ignition interlock device. 1890

(ii) If the underlying conviction is drug-related, the 1891
court in its discretion may issue an order that, except as 1892
provided in division (C) of section 4510.43 of the Revised Code, 1893
for the remainder of the period of suspension the offender shall 1894
not exercise the privileges unless the vehicles the offender 1895
operates are equipped with a certified ignition interlock 1896
device. 1897

(f) The first one hundred eighty days of a suspension 1898
imposed under division (G) (1) (c) of section 4511.19 of the 1899
Revised Code or a comparable length suspension imposed under 1900
section 4510.07 of the Revised Code. On or after the one hundred 1901
eighty-first day of the suspension, the court may grant limited 1902
driving privileges, and either of the following applies: 1903

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

(ii) If the underlying conviction is drug-related, the 1910
court in its discretion may issue an order that, except as 1911
provided in division (C) of section 4510.43 of the Revised Code, 1912
for the remainder of the period of suspension the offender shall 1913
not exercise the privileges unless the vehicles the offender 1914
operates are equipped with a certified ignition interlock 1915
device. 1916

(g) The first three years of a suspension imposed under 1917

division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1918
or a comparable length suspension imposed under section 4510.07 1919
of the Revised Code, or of a suspension imposed under division 1920
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 1921
the first three years of suspension, the court may grant limited 1922
driving privileges, and either of the following applies: 1923

(i) If the underlying conviction is alcohol-related, the 1924
court shall issue an order that, except as provided in division 1925
(C) of section 4510.43 of the Revised Code, for the remainder of 1926
the period of suspension the offender shall not exercise the 1927
privileges unless the vehicles the offender operates are 1928
equipped with a certified ignition interlock device. 1929

(ii) If the underlying conviction is drug-related, the 1930
court in its discretion may issue an order that, except as 1931
provided in division (C) of section 4510.43 of the Revised Code, 1932
for the remainder of the period of suspension the offender shall 1933
not exercise the privileges unless the vehicles the offender 1934
operates are equipped with a certified ignition interlock 1935
device. 1936

(6) No judge or mayor shall grant limited driving 1937
privileges to an offender whose driver's or commercial driver's 1938
license or permit or nonresident operating privilege has been 1939
suspended under division (B) of section 4511.191 of the Revised 1940
Code during any of the following periods of time: 1941

(a) The first thirty days of suspension imposed under 1942
division (B) (1) (a) of section 4511.191 of the Revised Code; 1943

(b) The first ninety days of suspension imposed under 1944
division (B) (1) (b) of section 4511.191 of the Revised Code; 1945

(c) The first year of suspension imposed under division 1946

(B) (1) (c) of section 4511.191 of the Revised Code; 1947

(d) The first three years of suspension imposed under 1948
division (B) (1) (d) of section 4511.191 of the Revised Code. 1949

(7) In any case in which a judge or mayor grants limited 1950
driving privileges to an offender whose driver's or commercial 1951
driver's license or permit or nonresident operating privilege 1952
has been suspended under division (G) (1) ~~(b)~~, (c), (d), or (e) of 1953
section 4511.19 of the Revised Code, under division (G) (1) (a) or 1954
(b) of section 4511.19 of the Revised Code for a violation of 1955
division (A) (1) (f), (g), (h), or (i) of that section, or under 1956
section 4510.07 of the Revised Code for a municipal OVI 1957
conviction for which sentence would have been imposed under 1958
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) ~~(b)~~, (c), (d), 1959
or (e) of section 4511.19 of the Revised Code had the offender 1960
been charged with and convicted of a violation of section 1961
4511.19 of the Revised Code instead of a violation of the 1962
municipal OVI ordinance, the judge or mayor shall impose as a 1963
condition of the privileges that the offender must display on 1964
the vehicle that is driven subject to the privileges restricted 1965
license plates that are issued under section 4503.231 of the 1966
Revised Code, except as provided in division (B) of that 1967
section. 1968

(8) In any case in which ~~the~~ an offender ~~operates~~ is 1969
required by a court under this section to operate a motor 1970
vehicle that is ~~not~~ equipped with ~~an~~ a certified ignition 1971
interlock device, ~~circumvents the device, or tampers with the~~ 1972
~~device or in any case in which the court receives notice~~ 1973
~~pursuant to section 4510.46 of the Revised Code that a certified~~ 1974
~~ignition interlock device required by an order issued under~~ 1975
~~division (A) (5) (e), (f), or (g) of this section prevented an~~ 1976

offender from starting a motor vehicle, and either the offender 1977
commits an ignition interlock device violation as defined under 1978
section 4510.46 of the Revised Code or the offender operates a 1979
motor vehicle that is not equipped with a certified ignition 1980
interlock device, the following applies: 1981

(a) If the offender was sentenced under division (G) (1) (a) 1982
or (b) or division (H) of section 4511.19 of the Revised Code, 1983
on a first instance the court may require the offender to wear a 1984
monitor that provides continuous alcohol monitoring that is 1985
remote. On a second instance, the court shall require the 1986
offender to wear a monitor that provides continuous alcohol 1987
monitoring that is remote for a minimum of forty days. On a 1988
third instance or more, the court shall require the offender to 1989
wear a monitor that provides continuous alcohol monitoring that 1990
is remote for a minimum of sixty days. 1991

(b) If the offender was sentenced under division (G) (1) 1992
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 1993
first instance the court shall require the offender to wear a 1994
monitor that provides continuous alcohol monitoring that is 1995
remote for a minimum of forty days. On a second instance or 1996
more, the court shall require the offender to wear a monitor 1997
that provides continuous alcohol monitoring that is remote for a 1998
minimum of sixty days. 1999

(c) The court may increase the period of suspension of the 2000
offender's driver's or commercial driver's license or permit or 2001
nonresident operating privilege from that originally imposed by 2002
the court by a factor of two and may increase the period of time 2003
during which the offender will be prohibited from exercising any 2004
limited driving privileges granted to the offender unless the 2005
vehicles the offender operates are equipped with a certified 2006

ignition interlock device by a factor of two. The limitation 2007
under division (E) of section 4510.46 of the Revised Code 2008
applies to an increase under division (A) (8) (c) of this section. 2009

(d) If the violation occurred within sixty days of the end 2010
of the suspension of the offender's driver's or commercial 2011
driver's license or permit or nonresident operating privilege 2012
and the court does not impose an increase in the period of the 2013
suspension under division (A) (8) (c) of this section, the court 2014
shall proceed as follows: 2015

(i) Issue an order extending the period of suspension and 2016
the grant of limited driving privileges with a required 2017
certified ignition interlock device so that the suspension 2018
terminates sixty days from the date the offender committed that 2019
violation. 2020

(ii) For each violation subsequent to a violation for 2021
which an extension was ordered under division (A) (8) (d) (i) of 2022
this section, issue an order extending the period of suspension 2023
and the grant of limited driving privileges with a required 2024
certified ignition interlock device so that the suspension 2025
terminates sixty days from the date the offender committed that 2026
violation. 2027

The registrar of motor vehicles is prohibited from 2028
reinstating an offender's license unless the applicable period 2029
of suspension has been served and no ignition interlock device 2030
violations have been committed within the sixty days prior to 2031
the application for reinstatement. 2032

(9) At the time the court issues an order under this 2033
section requiring an offender to use an ignition interlock 2034
device, the court shall provide notice to the offender of each 2035

action the court is authorized or required to take under 2036
division (A) (8) of this section if the offender circumvents or 2037
tampers with the device or in any case in which the court 2038
receives notice pursuant to section 4510.46 of the Revised Code 2039
that a device prevented an offender from starting a motor 2040
vehicle. 2041

(10) In any case in which the court issues an order under 2042
this section prohibiting an offender from exercising limited 2043
driving privileges unless the vehicles the offender operates are 2044
equipped with an immobilizing or disabling device, including a 2045
certified ignition interlock device, or requires an offender to 2046
wear a monitor that provides continuous alcohol monitoring that 2047
is remote, the court shall impose an additional court cost of 2048
two dollars and fifty cents upon the offender. The court shall 2049
not waive the payment of the two dollars and fifty cents unless 2050
the court determines that the offender is indigent and waives 2051
the payment of all court costs imposed upon the indigent 2052
offender. The clerk of court shall transmit one hundred per cent 2053
of this mandatory court cost collected during a month on or 2054
before the twenty-third day of the following month to the state 2055
treasury to be credited to the state highway safety fund created 2056
under section 4501.06 of the Revised Code, to be used by the 2057
department of public safety to cover costs associated with 2058
maintaining the habitual OVI/OMWI offender registry created 2059
under section 5502.10 of the Revised Code. In its discretion the 2060
court may impose an additional court cost of two dollars and 2061
fifty cents upon the offender. The clerk of court shall retain 2062
this discretionary two dollar and fifty cent court cost, if 2063
imposed, and shall deposit it in the court's special projects 2064
fund that is established under division (E) (1) of section 2065
2303.201, division (B) (1) of section 1901.26, or division (B) (1) 2066

of section 1907.24 of the Revised Code. 2067

~~(10) In any case in which the court issues an order under 2068
this section prohibiting an offender from exercising limited 2069
driving privileges unless the vehicles the offender operates are 2070
equipped with an immobilizing or disabling device, including a 2071
certified ignition interlock device, the court shall notify the 2072
offender at the time the offender is granted limited driving 2073
privileges that, in accordance with section 4510.46 of the 2074
Revised Code, if the court receives notice that the device 2075
prevented the offender from starting the motor vehicle because 2076
the device was tampered with or circumvented or because the 2077
analysis of the deep-lung breath sample or other method employed 2078
by the device to measure the concentration by weight of alcohol 2079
in the offender's breath indicated the presence of alcohol in 2080
the offender's breath in a concentration sufficient to prevent 2081
the device from permitting the motor vehicle to be started, the 2082
court may increase the period of suspension of the offender's 2083
driver's or commercial driver's license or permit or nonresident 2084
operating privilege from that originally imposed by the court by 2085
a factor of two and may increase the period of time during which 2086
the offender will be prohibited from exercising any limited 2087
driving privileges granted to the offender unless the vehicles 2088
the offender operates are equipped with a certified ignition- 2089
interlock device by a factor of two. 2090~~

(B) Any person whose driver's or commercial driver's 2091
license or permit or nonresident operating privilege has been 2092
suspended pursuant to section 4511.19 or 4511.191 of the Revised 2093
Code or under section 4510.07 of the Revised Code for a 2094
violation of a municipal OVI ordinance may file a petition for 2095
limited driving privileges during the suspension. The person 2096
shall file the petition in the court that has jurisdiction over 2097

the place of arrest. Subject to division (A) of this section, 2098
the court may grant the person limited driving privileges during 2099
the period during which the suspension otherwise would be 2100
imposed. However, the court shall not grant the privileges for 2101
employment as a driver of a commercial motor vehicle to any 2102
person who is disqualified from operating a commercial motor 2103
vehicle under section 4506.16 of the Revised Code or during any 2104
of the periods prescribed by division (A) of this section. 2105

(C) (1) After a driver's or commercial driver's license or 2106
permit or nonresident operating privilege has been suspended 2107
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2108
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 2109
4549.021, or 5743.99 of the Revised Code, any provision of 2110
Chapter 2925. of the Revised Code, or section 4510.07 of the 2111
Revised Code for a violation of a municipal OVI ordinance, the 2112
judge of the court or mayor of the mayor's court that suspended 2113
the license, permit, or privilege shall cause the offender to 2114
deliver to the court the license or permit. The judge, mayor, or 2115
clerk of the court or mayor's court shall forward to the 2116
registrar the license or permit together with notice of the 2117
action of the court. 2118

(2) A suspension of a commercial driver's license under 2119
any section or chapter identified in division (C) (1) of this 2120
section shall be concurrent with any period of suspension or 2121
disqualification under section 3123.58 or 4506.16 of the Revised 2122
Code. No person who is disqualified for life from holding a 2123
commercial driver's license under section 4506.16 of the Revised 2124
Code shall be issued a driver's license under this chapter 2125
during the period for which the commercial driver's license was 2126
suspended under this section, and no person whose commercial 2127
driver's license is suspended under any section or chapter 2128

identified in division (C) (1) of this section shall be issued a 2129
driver's license under Chapter 4507. of the Revised Code during 2130
the period of the suspension. 2131

(3) No judge or mayor shall suspend any class one 2132
suspension, or any portion of any class one suspension, imposed 2133
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 2134
Revised Code. No judge or mayor shall suspend the first thirty 2135
days of any class two, class three, class four, class five, or 2136
class six suspension imposed under section 2903.06, 2903.08, 2137
2903.11, 2923.02, or 2929.02 of the Revised Code. 2138

(D) The judge of the court or mayor of the mayor's court 2139
shall credit any time during which an offender was subject to an 2140
administrative suspension of the offender's driver's or 2141
commercial driver's license or permit or nonresident operating 2142
privilege imposed pursuant to section 4511.191 or 4511.192 of 2143
the Revised Code or a suspension imposed by a judge, referee, or 2144
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 2145
the Revised Code against the time to be served under a related 2146
suspension imposed pursuant to any section or chapter identified 2147
in division (C) (1) of this section. 2148

(E) The judge or mayor shall notify the bureau of motor 2149
vehicles of any determinations made pursuant to this section and 2150
of any suspension imposed pursuant to any section or chapter 2151
identified in division (C) (1) of this section. 2152

(F) (1) If a court issues an order under this section 2153
granting limited driving privileges and requiring an offender to 2154
use an immobilizing or disabling device ~~order under section~~ 2155
~~4510.43 of the Revised Code~~, the order shall authorize the 2156
offender during the specified period to operate a motor vehicle 2157
only if it is equipped with ~~an immobilizing or disabling~~ such a 2158

device, except as provided in division (C) of ~~that~~ section 2159
4510.43 of the Revised Code. The court shall provide the 2160
offender with a copy of ~~an immobilizing or disabling device~~ the 2161
~~order issued under section 4510.43 of the Revised Code,~~ and ~~the~~ 2162
~~offender shall use the copy of the order in lieu of an Ohio~~ 2163
~~driver's or commercial driver's license or permit until the~~ 2164
~~registrar or a deputy registrar issues the offender a restricted~~ 2165
~~license for purposes of obtaining a restricted license and shall~~ 2166
submit a copy of the order to the registrar of motor vehicles. 2167

~~An order issued under section 4510.43 of the Revised Code~~ 2168
~~does not authorize or permit the offender to whom it has been~~ 2169
~~issued to operate a vehicle during any time that the offender's~~ 2170
~~driver's or commercial driver's license or permit is suspended~~ 2171
~~under any other provision of law.~~ 2172

(2) An offender ~~may~~ shall present to the registrar or to a 2173
deputy registrar the copy of an immobilizing or disabling device 2174
order to the registrar or to a deputy registrar issued under 2175
this section and a certificate affirming the installation of an 2176
immobilizing or disabling device that is in a form established 2177
by the director of public safety and that is signed by the 2178
person who installed the device. Upon presentation of the order 2179
and certificate to the registrar or a deputy registrar, the 2180
registrar or deputy registrar shall issue the offender a 2181
restricted license, unless the offender's driver's or commercial 2182
driver's license or permit is suspended under any other 2183
provision of law and limited driving privileges have not been 2184
granted with regard to that suspension. A restricted license 2185
issued under this division shall be identical to an Ohio 2186
driver's license, except that it shall have printed on its face 2187
a statement that the offender is prohibited ~~during the period~~ 2188
~~specified in the court order~~ from operating any motor vehicle 2189

that is not equipped with an immobilizing or disabling device in 2190
violation of the order. ~~The date of commencement and the date of~~ 2191
~~termination of the period of suspension shall be indicated~~ 2192
~~conspicuously upon the face of the license.~~ 2193

(3) (a) No person who has been granted limited driving 2194
privileges subject to an immobilizing or disabling device order 2195
under this section shall operate a motor vehicle prior to 2196
obtaining a restricted license. Any person who violates this 2197
prohibition is subject to the penalties prescribed in section 2198
4510.14 of the Revised Code. 2199

(b) The offense established under division (F) (3) (a) of 2200
this section is a strict liability offense and section 2901.20 2201
of the Revised Code does not apply. 2202

Sec. 4510.17. (A) The registrar of motor vehicles shall 2203
impose a class D suspension of the person's driver's license, 2204
commercial driver's license, temporary instruction permit, 2205
probationary license, or nonresident operating privilege for the 2206
period of time specified in division (B) (4) of section 4510.02 2207
of the Revised Code on any person who is a resident of this 2208
state and is convicted of or pleads guilty to a violation of a 2209
statute of any other state or any federal statute that is 2210
substantially similar to section 2925.02, 2925.03, 2925.04, 2211
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2212
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2213
2925.37 of the Revised Code. Upon receipt of a report from a 2214
court, court clerk, or other official of any other state or from 2215
any federal authority that a resident of this state was 2216
convicted of or pleaded guilty to an offense described in this 2217
division, the registrar shall send a notice by regular first 2218
class mail to the person, at the person's last known address as 2219

shown in the records of the bureau of motor vehicles, informing 2220
the person of the suspension, that the suspension will take 2221
effect twenty-one days from the date of the notice, and that, if 2222
the person wishes to appeal the suspension or denial, the person 2223
must file a notice of appeal within twenty-one days of the date 2224
of the notice requesting a hearing on the matter. If the person 2225
requests a hearing, the registrar shall hold the hearing not 2226
more than forty days after receipt by the registrar of the 2227
notice of appeal. The filing of a notice of appeal does not stay 2228
the operation of the suspension that must be imposed pursuant to 2229
this division. The scope of the hearing shall be limited to 2230
whether the person actually was convicted of or pleaded guilty 2231
to the offense for which the suspension is to be imposed. 2232

The suspension the registrar is required to impose under 2233
this division shall end either on the last day of the class D 2234
suspension period or of the suspension of the person's 2235
nonresident operating privilege imposed by the state or federal 2236
court, whichever is earlier. 2237

The registrar shall subscribe to or otherwise participate 2238
in any information system or register, or enter into reciprocal 2239
and mutual agreements with other states and federal authorities, 2240
in order to facilitate the exchange of information with other 2241
states and the United States government regarding persons who 2242
plead guilty to or are convicted of offenses described in this 2243
division and therefore are subject to the suspension or denial 2244
described in this division. 2245

(B) The registrar shall impose a class D suspension of the 2246
person's driver's license, commercial driver's license, 2247
temporary instruction permit, probationary license, or 2248
nonresident operating privilege for the period of time specified 2249

in division (B) (4) of section 4510.02 of the Revised Code on any 2250
person who is a resident of this state and is convicted of or 2251
pleads guilty to a violation of a statute of any other state or 2252
a municipal ordinance of a municipal corporation located in any 2253
other state that is substantially similar to section 4511.19 of 2254
the Revised Code. Upon receipt of a report from another state 2255
made pursuant to section 4510.61 of the Revised Code indicating 2256
that a resident of this state was convicted of or pleaded guilty 2257
to an offense described in this division, the registrar shall 2258
send a notice by regular first class mail to the person, at the 2259
person's last known address as shown in the records of the 2260
bureau of motor vehicles, informing the person of the 2261
suspension, that the suspension or denial will take effect 2262
twenty-one days from the date of the notice, and that, if the 2263
person wishes to appeal the suspension, the person must file a 2264
notice of appeal within twenty-one days of the date of the 2265
notice requesting a hearing on the matter. If the person 2266
requests a hearing, the registrar shall hold the hearing not 2267
more than forty days after receipt by the registrar of the 2268
notice of appeal. The filing of a notice of appeal does not stay 2269
the operation of the suspension that must be imposed pursuant to 2270
this division. The scope of the hearing shall be limited to 2271
whether the person actually was convicted of or pleaded guilty 2272
to the offense for which the suspension is to be imposed. 2273

The suspension the registrar is required to impose under 2274
this division shall end either on the last day of the class D 2275
suspension period or of the suspension of the person's 2276
nonresident operating privilege imposed by the state or federal 2277
court, whichever is earlier. 2278

(C) The registrar shall impose a class D suspension of the 2279
child's driver's license, commercial driver's license, temporary 2280

instruction permit, or nonresident operating privilege for the 2281
period of time specified in division (B) (4) of section 4510.02 2282
of the Revised Code on any child who is a resident of this state 2283
and is convicted of or pleads guilty to a violation of a statute 2284
of any other state or any federal statute that is substantially 2285
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2286
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2287
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2288
Code. Upon receipt of a report from a court, court clerk, or 2289
other official of any other state or from any federal authority 2290
that a child who is a resident of this state was convicted of or 2291
pleaded guilty to an offense described in this division, the 2292
registrar shall send a notice by regular first class mail to the 2293
child, at the child's last known address as shown in the records 2294
of the bureau of motor vehicles, informing the child of the 2295
suspension, that the suspension or denial will take effect 2296
twenty-one days from the date of the notice, and that, if the 2297
child wishes to appeal the suspension, the child must file a 2298
notice of appeal within twenty-one days of the date of the 2299
notice requesting a hearing on the matter. If the child requests 2300
a hearing, the registrar shall hold the hearing not more than 2301
forty days after receipt by the registrar of the notice of 2302
appeal. The filing of a notice of appeal does not stay the 2303
operation of the suspension that must be imposed pursuant to 2304
this division. The scope of the hearing shall be limited to 2305
whether the child actually was convicted of or pleaded guilty to 2306
the offense for which the suspension is to be imposed. 2307

The suspension the registrar is required to impose under 2308
this division shall end either on the last day of the class D 2309
suspension period or of the suspension of the child's 2310
nonresident operating privilege imposed by the state or federal 2311

court, whichever is earlier. If the child is a resident of this 2312
state who is sixteen years of age or older and does not have a 2313
current, valid Ohio driver's or commercial driver's license or 2314
permit, the notice shall inform the child that the child will be 2315
denied issuance of a driver's or commercial driver's license or 2316
permit for six months beginning on the date of the notice. If 2317
the child has not attained the age of sixteen years on the date 2318
of the notice, the notice shall inform the child that the period 2319
of denial of six months shall commence on the date the child 2320
attains the age of sixteen years. 2321

The registrar shall subscribe to or otherwise participate 2322
in any information system or register, or enter into reciprocal 2323
and mutual agreements with other states and federal authorities, 2324
in order to facilitate the exchange of information with other 2325
states and the United States government regarding children who 2326
are residents of this state and plead guilty to or are convicted 2327
of offenses described in this division and therefore are subject 2328
to the suspension or denial described in this division. 2329

(D) The registrar shall impose a class D suspension of the 2330
child's driver's license, commercial driver's license, temporary 2331
instruction permit, probationary license, or nonresident 2332
operating privilege for the period of time specified in division 2333
(B) (4) of section 4510.02 of the Revised Code on any child who 2334
is a resident of this state and is convicted of or pleads guilty 2335
to a violation of a statute of any other state or a municipal 2336
ordinance of a municipal corporation located in any other state 2337
that is substantially similar to section 4511.19 of the Revised 2338
Code. Upon receipt of a report from another state made pursuant 2339
to section 4510.61 of the Revised Code indicating that a child 2340
who is a resident of this state was convicted of or pleaded 2341
guilty to an offense described in this division, the registrar 2342

shall send a notice by regular first class mail to the child, at 2343
the child's last known address as shown in the records of the 2344
bureau of motor vehicles, informing the child of the suspension, 2345
that the suspension will take effect twenty-one days from the 2346
date of the notice, and that, if the child wishes to appeal the 2347
suspension, the child must file a notice of appeal within 2348
twenty-one days of the date of the notice requesting a hearing 2349
on the matter. If the child requests a hearing, the registrar 2350
shall hold the hearing not more than forty days after receipt by 2351
the registrar of the notice of appeal. The filing of a notice of 2352
appeal does not stay the operation of the suspension that must 2353
be imposed pursuant to this division. The scope of the hearing 2354
shall be limited to whether the child actually was convicted of 2355
or pleaded guilty to the offense for which the suspension is to 2356
be imposed. 2357

The suspension the registrar is required to impose under 2358
this division shall end either on the last day of the class D 2359
suspension period or of the suspension of the child's 2360
nonresident operating privilege imposed by the state or federal 2361
court, whichever is earlier. If the child is a resident of this 2362
state who is sixteen years of age or older and does not have a 2363
current, valid Ohio driver's or commercial driver's license or 2364
permit, the notice shall inform the child that the child will be 2365
denied issuance of a driver's or commercial driver's license or 2366
permit for six months beginning on the date of the notice. If 2367
the child has not attained the age of sixteen years on the date 2368
of the notice, the notice shall inform the child that the period 2369
of denial of six months shall commence on the date the child 2370
attains the age of sixteen years. 2371

(E) (1) Any person whose license or permit has been 2372
suspended pursuant to this section may file a petition in the 2373

municipal or county court, or in case the person is under 2374
eighteen years of age, the juvenile court, in whose jurisdiction 2375
the person resides, agreeing to pay the cost of the proceedings 2376
and alleging that the suspension would seriously affect the 2377
person's ability to continue the person's employment. Upon 2378
satisfactory proof that there is reasonable cause to believe 2379
that the suspension would seriously affect the person's ability 2380
to continue the person's employment, the judge may grant the 2381
person limited driving privileges during the period during which 2382
the suspension otherwise would be imposed, except that the judge 2383
shall not grant limited driving privileges for employment as a 2384
driver of a commercial motor vehicle to any person who would be 2385
disqualified from operating a commercial motor vehicle under 2386
section 4506.16 of the Revised Code if the violation had 2387
occurred in this state, or during any of the following periods 2388
of time: 2389

~~(1)~~ (a) The first fifteen days of a suspension under 2390
division (B) or (D) of this section, if the person has not been 2391
convicted within ~~six~~ ten years of the date of the offense giving 2392
rise to the suspension under this section of a violation of any 2393
of the following: 2394

~~(a)~~ (i) Section 4511.19 of the Revised Code, or a 2395
municipal ordinance relating to operating a vehicle while under 2396
the influence of alcohol, a drug of abuse, or alcohol and a drug 2397
of abuse; 2398

~~(b)~~ (ii) A municipal ordinance relating to operating a 2399
motor vehicle with a prohibited concentration of alcohol, a 2400
controlled substance, or a metabolite of a controlled substance 2401
in the whole blood, blood serum or plasma, breath, or urine; 2402

~~(c)~~ (iii) Section 2903.04 of the Revised Code in a case in 2403

which the person was subject to the sanctions described in 2404
division (D) of that section; 2405

~~(d)~~ (iv) Division (A) (1) of section 2903.06 or division 2406
(A) (1) of section 2903.08 of the Revised Code or a municipal 2407
ordinance that is substantially similar to either of those 2408
divisions; 2409

~~(e)~~ (v) Division (A) (2), (3), or (4) of section 2903.06, 2410
division (A) (2) of section 2903.08, or as it existed prior to 2411
March 23, 2000, section 2903.07 of the Revised Code, or a 2412
municipal ordinance that is substantially similar to any of 2413
those divisions or that former section, in a case in which the 2414
jury or judge found that the person was under the influence of 2415
alcohol, a drug of abuse, or alcohol and a drug of abuse. 2416

~~(2)~~ (b) The first thirty days of a suspension under 2417
division (B) or (D) of this section, if the person has been 2418
convicted one time within ~~six~~ ten years of the date of the 2419
offense giving rise to the suspension under this section of any 2420
violation identified in division (E) (1) (a) of this section. 2421

~~(3)~~ (c) The first one hundred eighty days of a suspension 2422
under division (B) or (D) of this section, if the person has 2423
been convicted two times within ~~six~~ ten years of the date of the 2424
offense giving rise to the suspension under this section of any 2425
violation identified in division (E) (1) (a) of this section. 2426

~~(4)~~ (2) No limited driving privileges may be granted if 2427
the person has been convicted three or more times within five 2428
years of the date of the offense giving rise to a suspension 2429
under division (B) or (D) of this section of any violation 2430
identified in division (E) (1) (a) of this section. 2431

(3) In accordance with section 4510.022 of the Revised 2432

Code, a person may petition for, and a judge may grant, 2433
unlimited driving privileges with a certified ignition interlock 2434
device during the period of suspension imposed under division 2435
(B) or (D) of this section to a person described in division (E) 2436
(1) (a) of this section. 2437

(4) If a person petitions for limited driving privileges 2438
under division (E) (1) of this section ~~or unlimited driving~~ 2439
privileges with a certified ignition interlock device as 2440
provided in division (E) (3) of this section, the registrar shall 2441
be represented by the county prosecutor of the county in which 2442
the person resides if the petition is filed in a juvenile court 2443
or county court, except that if the person resides within a city 2444
or village that is located within the jurisdiction of the county 2445
in which the petition is filed, the city director of law or 2446
village solicitor of that city or village shall represent the 2447
registrar. If the petition is filed in a municipal court, the 2448
registrar shall be represented as provided in section 1901.34 of 2449
the Revised Code. 2450

(5) (a) In issuing an order granting limited driving 2451
privileges under division (E) (1) of this section, the court may 2452
impose any condition it considers reasonable and necessary to 2453
limit the use of a vehicle by the person. The court shall 2454
deliver to the person a ~~permit card, in a form to be prescribed~~ 2455
by the court, copy of the order setting forth the time, place, 2456
and other conditions limiting the person's use of a motor 2457
vehicle. ~~The~~ Unless division (E) (5) (b) of this section applies, 2458
the grant of limited driving privileges shall be conditioned 2459
upon the person's having the ~~permit order~~ in the person's 2460
possession at all times during which the person is operating a 2461
vehicle. 2462

(b) If, under the order, the court requires the use of an immobilizing or disabling device as a condition of the grant of limited or unlimited driving privileges, the person shall present to the registrar or to a deputy registrar the copy of the order granting limited driving privileges and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and is signed by the person who installed the device. Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to 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 an immobilizing or disabling device in violation of the order.

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

(b) No person who has been granted limited or unlimited driving privileges under division (E) of this section subject to an immobilizing or disabling device order 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. 2494

(c) The offenses established under division (E) (6) of this 2495
section are strict liability offenses and section 2901.20 of the 2496
Revised Code does not apply. 2497

(F) The provisions of division (A) (8) of section 4510.13 2498
of the Revised Code apply to a person who has been granted 2499
limited or unlimited driving privileges with a certified 2500
ignition interlock device under this section and who either 2501
commits an ignition interlock device violation as defined under 2502
section 4510.46 of the Revised Code or operates a motor vehicle 2503
that is not equipped with a certified ignition interlock device. 2504

~~(F)~~ (G) As used in divisions (C) and (D) of this section: 2505

(1) "Child" means a person who is under the age of 2506
eighteen years, except that any person who violates a statute or 2507
ordinance described in division (C) or (D) of this section prior 2508
to attaining eighteen years of age shall be deemed a "child" 2509
irrespective of the person's age at the time the complaint or 2510
other equivalent document is filed in the other state or a 2511
hearing, trial, or other proceeding is held in the other state 2512
on the complaint or other equivalent document, and irrespective 2513
of the person's age when the period of license suspension or 2514
denial prescribed in division (C) or (D) of this section is 2515
imposed. 2516

(2) "Is convicted of or pleads guilty to" means, as it 2517
relates to a child who is a resident of this state, that in a 2518
proceeding conducted in a state or federal court located in 2519
another state for a violation of a statute or ordinance 2520
described in division (C) or (D) of this section, the result of 2521
the proceeding is any of the following: 2522

(a) Under the laws that govern the proceedings of the 2523
court, the child is adjudicated to be or admits to being a 2524
delinquent child or a juvenile traffic offender for a violation 2525
described in division (C) or (D) of this section that would be a 2526
crime if committed by an adult; 2527

(b) Under the laws that govern the proceedings of the 2528
court, the child is convicted of or pleads guilty to a violation 2529
described in division (C) or (D) of this section; 2530

(c) Under the laws that govern the proceedings of the 2531
court, irrespective of the terminology utilized in those laws, 2532
the result of the court's proceedings is the functional 2533
equivalent of division (F) (2) (a) or (b) of this section. 2534

Sec. 4510.43. (A) (1) The director of public safety, upon 2535
consultation with the director of health and in accordance with 2536
Chapter 119. of the Revised Code, shall certify immobilizing and 2537
disabling devices and, subject to section 4510.45 of the Revised 2538
Code, shall publish and make available to the courts, without 2539
charge, a list of licensed manufacturers of ignition interlock 2540
devices and approved devices together with information about the 2541
manufacturers of the devices and where they may be obtained. The 2542
manufacturer of an immobilizing or disabling device shall pay 2543
the cost of obtaining the certification of the device to the 2544
director of public safety, and the director shall deposit the 2545
payment in the indigent drivers alcohol treatment fund 2546
established by section 4511.191 of the Revised Code. 2547

(2) The director of public safety, in accordance with 2548
Chapter 119. of the Revised Code, shall adopt and publish rules 2549
setting forth the requirements for obtaining the certification 2550
of an immobilizing or disabling device. The director of public 2551
safety shall not certify an immobilizing or disabling device 2552

under this section unless it meets the requirements specified 2553
and published by the director in the rules adopted pursuant to 2554
this division. A certified device may consist of an ignition 2555
interlock device, an ignition blocking device initiated by time 2556
or magnetic or electronic encoding, an activity monitor, or any 2557
other device that reasonably assures compliance with an order 2558
granting limited driving privileges. Ignition interlock devices 2559
shall be certified annually. 2560

The requirements for an immobilizing or disabling device 2561
that is an ignition interlock device shall require that the 2562
manufacturer of the device submit to the department of public 2563
safety a certificate from an independent testing laboratory 2564
indicating that the device meets or exceeds the standards of the 2565
national highway traffic safety administration, as defined in 2566
section 4511.19 of the Revised Code, that are in effect at the 2567
time of the director's decision regarding certification of the 2568
device, shall include provisions for setting a minimum and 2569
maximum calibration range, and shall include, but shall not be 2570
limited to, specifications that the device complies with all of 2571
the following: 2572

(a) It does not impede the safe operation of the vehicle. 2573

(b) It has features that make circumvention difficult and 2574
that do not interfere with the normal use of the vehicle, and 2575
the features are operating and functioning. 2576

(c) It correlates well with established measures of 2577
alcohol impairment. 2578

(d) It works accurately and reliably in an unsupervised 2579
environment. 2580

(e) It is resistant to tampering and shows evidence of 2581

| | |
|---|--|
| tampering if tampering is attempted. | 2582 |
| (f) It is difficult to circumvent and requires premeditation to do so. | 2583 2584 |
| (g) It minimizes inconvenience to a sober user. | 2585 |
| (h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath. | 2586 2587 2588 |
| (i) It operates reliably over the range of automobile environments. | 2589 2590 |
| (j) It is made by a manufacturer who is covered by product liability insurance. | 2591 2592 |
| <u>(k) Beginning January 1, 2020, it is equipped with a camera.</u> | 2593 2594 |
| (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. | 2595 2596 2597 2598 2599 |
| (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. | 2600 2601 2602 2603 2604 2605 2606 |
| <u>(5) The director of public safety shall establish a certificate of installation that a manufacturer of immobilizing or disabling devices shall sign and provide to a person upon the</u> | 2607 2608 2609 |

completion of the installation of such a device on the person's 2610
motor vehicle. The director also shall adopt rules in accordance 2611
with Chapter 119. of the Revised Code that govern procedures for 2612
confirming and inspecting the installation of immobilizing or 2613
disabling devices. 2614

(B) A court considering the use of a prototype device in a 2615
pilot program shall advise the director of public safety, thirty 2616
days before the use, of the prototype device and its protocol, 2617
methodology, manufacturer, and licensor, lessor, other agent, or 2618
owner, and the length of the court's pilot program. A prototype 2619
device shall not be used for a violation of section 4510.14 or 2620
4511.19 of the Revised Code, a violation of a municipal OVI 2621
ordinance, or in relation to a suspension imposed under section 2622
4511.191 of the Revised Code. A court that uses a prototype 2623
device in a pilot program, periodically during the existence of 2624
the program and within fourteen days after termination of the 2625
program, shall report in writing to the director of public 2626
safety regarding the effectiveness of the prototype device and 2627
the program. 2628

(C) If a person has been granted limited or unlimited 2629
driving privileges with a condition of the privileges being that 2630
the motor vehicle that is operated under the privileges must be 2631
equipped with an immobilizing or disabling device, the person 2632
may operate a motor vehicle that is owned by the person's 2633
employer only if the person is required to operate that motor 2634
vehicle in the course and scope of the offender's employment. 2635
Such a person may operate that vehicle without the installation 2636
of an immobilizing or disabling device, provided that the 2637
employer has been notified that the person has limited driving 2638
privileges and of the nature of the restriction and further 2639
provided that the person has proof of the employer's 2640

notification in the person's possession while operating the 2641
employer's vehicle for normal business duties. A motor vehicle 2642
owned by a business that is partly or entirely owned or 2643
controlled by a person with limited driving privileges is not a 2644
motor vehicle owned by an employer, for purposes of this 2645
division. 2646

Sec. 4510.44. (A) (1) No offender ~~with~~ who has been granted 2647
limited or unlimited driving privileges, during any period that 2648
the offender is required to operate only a motor vehicle 2649
equipped with an immobilizing or disabling device, shall request 2650
or permit any other person to breathe into the device if it is 2651
an ignition interlock device or another type of device that 2652
monitors the concentration of alcohol in a person's breath or to 2653
otherwise start the motor vehicle equipped with the device, for 2654
the purpose of providing the offender with an operable motor 2655
vehicle. 2656

~~(2) (a) Except as provided in division (A) (2) (b) of this~~ 2657
~~section, no~~ No person shall breathe into an immobilizing or 2658
disabling device that is an ignition interlock device or another 2659
type of device that monitors the concentration of alcohol in a 2660
person's breath or otherwise start a motor vehicle equipped with 2661
an immobilizing or disabling device, for the purpose of 2662
providing an operable motor vehicle to ~~an offender with limited~~ 2663
~~driving privileges who is permitted to~~ another person who has 2664
been granted limited or unlimited driving privileges under the 2665
condition that the person operate only a motor vehicle equipped 2666
with an immobilizing or disabling device. 2667

~~(b) Division (A) (2) (a) of this section does not apply to a~~ 2668
~~person in the following circumstances:~~ 2669

~~(i) The person is an offender with limited driving~~ 2670

~~privileges.~~ 2671

~~(ii) The person breathes into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise starts a motor vehicle equipped with an immobilizing or disabling device.~~ 2672
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~~(iii) The person breathes into the device or starts the vehicle for the purpose of providing the person with an operable motor vehicle.~~ 2677
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2679

(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device. 2680
2681

(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree. 2682
2683
2684

Sec. 4510.45. (A) (1) A manufacturer of ignition interlock devices that desires for its devices to be certified under section 4510.43 of the Revised Code and then to be included on the list of certified devices that the department of public safety compiles and makes available to courts pursuant to that section first shall obtain a license from the department under this section. The department, in accordance with Chapter 119. of the Revised Code, shall adopt any rules that are necessary to implement this licensing requirement. 2685
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(2) A manufacturer shall apply to the department for the license and shall include all information the department may require by rule. Each application, including an application for license renewal, shall be accompanied by an application fee of one hundred dollars, which the department shall deposit into the state treasury to the credit of the indigent drivers alcohol 2694
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treatment fund created by section 4511.191 of the Revised Code. 2700
Each application also shall be accompanied by a signed 2701
agreement, in a form established by the director, affirming that 2702
the manufacturer agrees to install and monitor all devices 2703
produced by that manufacturer and affirming that the 2704
manufacturer agrees to charge a reduced fee, established by the 2705
department, for the installation and monitoring of a device used 2706
by a person who is deemed to be an indigent offender by the 2707
court that granted limited or unlimited driving privileges to 2708
the offender subject to the condition that the offender use a 2709
certified ignition interlock device. 2710

(3) Upon receipt of a completed application, if the 2711
department finds that a manufacturer has complied with all 2712
application requirements, the department shall issue a license 2713
to the manufacturer. A manufacturer that has been issued a 2714
license under this section is eligible immediately to have the 2715
models of ignition interlock devices it produces certified under 2716
section 4510.43 of the Revised Code and then included on the 2717
list of certified devices that the department compiles and makes 2718
available to courts pursuant to that section. 2719

(4) (a) A license issued under this section shall expire 2720
annually on a date selected by the department. The department 2721
shall reject the license application of a manufacturer if any of 2722
the following apply: 2723

(i) The application is not accompanied by the application 2724
fee or the required agreement. 2725

(ii) The department finds that the manufacturer has not 2726
complied with all application requirements. 2727

(iii) The license application is a renewal application and 2728

the manufacturer failed to file the annual report or failed to 2729
pay the fee as required by division (B) of this section. 2730

(iv) The license application is a renewal application and 2731
the manufacturer failed to monitor or report violations as 2732
required under section 4510.46 of the Revised Code. 2733

(b) The department may reject the license application of a 2734
manufacturer if the manufacturer has a history of failing to 2735
properly install immobilizing or disabling devices. 2736

(c) A manufacturer whose license application is rejected 2737
by the department may appeal the decision to the director of 2738
public safety. The director or the director's designee shall 2739
hold a hearing on the matter not more than thirty days from the 2740
date of the manufacturer's appeal. If the director or the 2741
director's designee upholds the denial of the manufacturer's 2742
application for a license, the manufacturer may appeal the 2743
decision to the Franklin county court of common pleas. If the 2744
director or the director's designee reverses the denial of the 2745
manufacturer's application for a license, the director or the 2746
director's designee shall issue a written order directing that 2747
the department issue a license to the manufacturer. 2748

(B) Every manufacturer of ignition interlock devices that 2749
is issued a license under this section shall file an annual 2750
report with the department on a form the department prescribes 2751
on or before a date the department prescribes. The annual report 2752
shall state the amount of net profit the manufacturer earned 2753
during a twelve-month period specified by the department that is 2754
attributable to the sales of that manufacturer's certified 2755
ignition interlock devices to purchasers in this state. Each 2756
manufacturer shall pay a fee equal to five per cent of the 2757
amount of the net profit described in this division. 2758

The department may permit annual reports to be filed via 2759
electronic means. 2760

(C) The department shall deposit all fees it receives from 2761
manufacturers under this section into the state treasury to the 2762
credit of the indigent drivers alcohol treatment fund created by 2763
section 4511.191 of the Revised Code. All money so deposited 2764
into that fund that is paid by the department of mental health 2765
and addiction services to county indigent drivers alcohol 2766
treatment funds, county juvenile indigent drivers alcohol 2767
treatment funds, and municipal indigent drivers alcohol 2768
treatment funds shall be used only as described in division (H) 2769
(3) of section 4511.191 of the Revised Code. 2770

(D) (1) The director may make an assessment, based on any 2771
information in the director's possession, against any 2772
manufacturer that fails to file an annual report or pay the fee 2773
required by division (B) of this section. The director, in 2774
accordance with Chapter 119. of the Revised Code, shall adopt 2775
rules governing assessments and assessment procedures and 2776
related provisions. In adopting these rules, the director shall 2777
incorporate the provisions of section 5751.09 of the Revised 2778
Code to the greatest extent possible, except that the director 2779
is not required to incorporate any provisions of that section 2780
that by their nature are not applicable, appropriate, or 2781
necessary to assessments made by the director under this 2782
section. 2783

(2) A manufacturer may appeal the final determination of 2784
the director regarding an assessment made by the director under 2785
this section. The director, in accordance with Chapter 119. of 2786
the Revised Code, shall adopt rules governing such appeals. In 2787
adopting these rules, the director shall incorporate the 2788

provisions of section 5717.02 of the Revised Code to the 2789
greatest extent possible, except that the director is not 2790
required to incorporate any provisions of that section that by 2791
their nature are not applicable, appropriate, or necessary to 2792
appeals of assessments made by the director under this section. 2793

(E) The director, in accordance with Chapter 119. of the 2794
Revised Code, shall adopt a penalty schedule setting forth the 2795
monetary penalties to be imposed upon a manufacturer that is 2796
issued a license under this section and fails to file an annual 2797
report or pay the fee required by division (B) of this section 2798
in a timely manner. The penalty amounts shall not exceed the 2799
maximum penalty amounts established in section 5751.06 of the 2800
Revised Code for similar or equivalent facts or circumstances. 2801

(F) (1) No manufacturer of ignition interlock devices that 2802
is required by division (B) of this section to file an annual 2803
report with the department or to pay a fee shall fail to do so 2804
as required by that division. 2805

(2) No manufacturer of ignition interlock devices that is 2806
required by division (B) of this section to file an annual 2807
report with the department shall file a report that contains 2808
incorrect or erroneous information. 2809

(G) Whoever violates division (F) (2) of this section is 2810
guilty of a misdemeanor of the first degree. The department 2811
shall remove from the list of certified devices described in 2812
division (A) (1) of this section the ignition interlock devices 2813
manufactured by a manufacturer that violates division (F) (1) or 2814
(2) of this section. 2815

Sec. 4510.46. (A) As used in this section: 2816

(1) "Offender" means a person who has been granted limited 2817

or unlimited driving privileges by a court of this state subject 2818
to the condition that the person operate only a vehicle with a 2819
certified ignition interlock device under section 4510.021, 2820
4510.022, or 4510.13 of the Revised Code. 2821

(2) "Ignition interlock device violation" means that a 2822
certified ignition interlock device indicates that it has 2823
prevented an offender from starting a motor vehicle because of 2824
either of the following: 2825

(a) The device was tampered with or circumvented; 2826

(b) The analysis of the deep-lung breath sample or other 2827
method employed by the ignition interlock device to measure the 2828
concentration by weight of alcohol in the offender's breath 2829
indicated the presence of alcohol in the offender's breath in a 2830
concentration sufficient to prevent the ignition interlock 2831
device from permitting the motor vehicle to be started. 2832

~~A governmental agency, bureau, department, or office, or a~~ 2833
~~private corporation, or any other entity that monitors~~ (B) The 2834
~~manufacturer of a certified ignition interlock devices for or on~~ 2835
~~behalf of a court~~ device shall monitor each device that is 2836
produced by that manufacturer and that has been installed in a 2837
motor vehicle for an offender. The manufacturer also shall 2838
inform the court and the registrar of motor vehicles, as soon as 2839
practicable, whenever such a device that has been installed in a 2840
~~motor vehicle indicates that it has prevented an offender whose~~ 2841
~~driver's or commercial driver's license or permit or nonresident~~ 2842
~~operating privilege has been suspended by a court under division~~ 2843
~~(G) (1) (a), (b), (c), (d), or (e) of section 4511.19 of the~~ 2844
~~Revised Code and who has been granted limited driving privileges~~ 2845
~~under section 4510.13 of the Revised Code from starting the~~ 2846
~~motor vehicle because the device was tampered with or~~ 2847

~~circumvented or because the analysis of the deep lung breath-~~ 2848
~~sample or other method employed by the ignition interlock device-~~ 2849
~~to measure the concentration by weight of alcohol in the-~~ 2850
~~offender's breath indicated the presence of alcohol in the-~~ 2851
~~offender's breath in a concentration sufficient to prevent the-~~ 2852
~~ignition interlock device from permitting the motor vehicle to-~~ 2853
~~be started an ignition interlock device violation has occurred.~~ 2854

~~(B)-(C) Upon receipt of such information pertaining to an~~ 2855
~~offender whose driver's or commercial driver's license or permit-~~ 2856
~~or nonresident operating privilege has been suspended by a court-~~ 2857
~~under division (C) (1) (b), (c), (d), or (e) of section 4511.19 of~~ 2858
~~the Revised Code and who has been granted limited driving-~~ 2859
~~privileges under section 4510.13 of the Revised Code under~~ 2860
~~division (B) of this section, the court shall send a notice to~~ 2861
~~the offender stating that all of the following:~~ 2862

~~(1) That it has received evidence of an instance described-~~ 2863
~~in division (A) of this section. If a court pursuant to division-~~ 2864
~~(A) (8) of section 4510.13 of the Revised Code requires the-~~ 2865
~~offender to wear an alcohol monitor, the notice shall state that-~~ 2866
~~ignition interlock device violation;~~ 2867

~~(2) If applicable, that because of this instance violation~~ 2868
~~the offender is required to wear a monitor that provides for~~ 2869
~~continuous alcohol monitoring in accordance with division (E) of~~ 2870
~~section 4510.022, division (A) (8) of section 4510.13, or~~ 2871
~~division (F) of section 4510.17 of the Revised Code. The notice-~~ 2872
~~shall further state that;~~ 2873

~~(3) That because of this instance violation the court may~~ 2874
~~increase the period of suspension of the offender's driver's or~~ 2875
~~commercial driver's license or permit or nonresident operating~~ 2876
~~privilege from that originally imposed by the court by a factor~~ 2877

of two and may increase the period of time during which the 2878
offender will be prohibited from exercising any limited or 2879
unlimited driving privileges granted to the offender unless the 2880
vehicles the offender operates are equipped with a certified 2881
ignition interlock device by a factor of two. 2882

~~The notice shall state whether;~~ 2883

(4) Whether the court will impose these is imposing the 2884
increases and, if so, that these increases will take effect 2885
fourteen days from the date of the notice unless the offender 2886
files a timely motion with the court, appealing the increases in 2887
the time described in this division and requesting a hearing on 2888
the matter. under division (C) (3) of this section; 2889

(5) If the violation occurred within sixty days of the end 2890
of the suspension of the offender's driver's or commercial 2891
driver's license or permit or nonresident operating privilege 2892
and the court is not imposing an increase in the period of the 2893
suspension under division (C) (3) of this section, that the court 2894
is increasing the offender's suspension by sixty days as 2895
provided in division (E) (5) of section 4510.022, division (A) (8) 2896
(d) of section 4510.13, or division (F) of section 4510.17 of 2897
the Revised Code; 2898

(6) That the offender may file an appeal of any increase 2899
imposed under division (C) (4) or (5) of this section with the 2900
court within fourteen days of receiving the notice; 2901

(7) That the registrar of motor vehicles is prohibited 2902
from reinstating the offender's license unless the period of 2903
suspension has been served and no ignition interlock device 2904
violations have been committed within the sixty days prior to 2905
the application for reinstatement. 2906

(D) Any ~~such~~ motion that is filed under division (C) (6) of 2907
this section within ~~that the~~ fourteen-day period shall be 2908
considered to be filed in a timely manner, and any such motion 2909
that is filed after that fourteen-day period shall be considered 2910
not to be filed in a timely manner. If the offender files a 2911
timely motion, the court may hold a hearing on the matter. The 2912
scope of the hearing is limited to determining whether the 2913
offender in fact was prevented from starting a motor vehicle 2914
that is equipped with a certified ignition interlock device 2915
because ~~the device was tampered with or circumvented or because~~ 2916
~~the analysis of the deep lung breath sample or other method~~ 2917
~~employed by the ignition interlock device to measure the~~ 2918
~~concentration by weight of alcohol in the offender's breath~~ 2919
~~indicated the presence of alcohol in the offender's breath in a~~ 2920
~~concentration sufficient to prevent the ignition interlock~~ 2921
~~device from permitting the motor vehicle to be started the~~ 2922
offender committed an ignition interlock device violation. 2923

If the court finds by a preponderance of the evidence that 2924
~~this instance as indicated by the ignition interlock device in~~ 2925
~~fact the violation did occur, it may deny the offender's appeal~~ 2926
~~and issue the order increasing the relevant periods of time~~ 2927
~~described in this division. If the court finds by a~~ 2928
preponderance of the evidence that ~~this instance as indicated by~~ 2929
~~the ignition interlock device in fact the violation did not~~ 2930
occur, it shall grant the offender's appeal and ~~no such order~~ 2931
~~shall be issued shall issue an order terminating the increase of~~ 2932
the offender's suspension. 2933

~~(C)~~ (E) In no case shall any period of suspension of an 2934
offender's driver's or commercial driver's license or permit or 2935
nonresident operating privilege that is increased by a factor of 2936
two under division (C) (3) of this section or any period of time 2937

during which the offender is prohibited from exercising any 2938
limited driving privileges granted to the offender unless the 2939
vehicles the offender operates are equipped with a certified 2940
ignition interlock device that is increased by a factor of two 2941
under division (C) (3) of this section exceed the maximum period 2942
of time for which the court originally was authorized to suspend 2943
the offender's driver's or commercial driver's license or permit 2944
or nonresident operating privilege under division (G) (1) (a), 2945
(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 2946
This division does not apply when a suspension is increased 2947
under division (C) (5) of this section. 2948

~~(D)~~-(F) Nothing in this section shall be construed as 2949
prohibiting the court from revoking an individual's driving 2950
privileges. 2951

Sec. 4511.19. (A) (1) No person shall operate any vehicle, 2952
streetcar, or trackless trolley within this state, if, at the 2953
time of the operation, any of the following apply: 2954

(a) The person is under the influence of alcohol, a drug 2955
of abuse, or a combination of them. 2956

(b) The person has a concentration of eight-hundredths of 2957
one per cent or more but less than seventeen-hundredths of one 2958
per cent by weight per unit volume of alcohol in the person's 2959
whole blood. 2960

(c) The person has a concentration of ninety-six- 2961
thousandths of one per cent or more but less than two hundred 2962
four-thousandths of one per cent by weight per unit volume of 2963
alcohol in the person's blood serum or plasma. 2964

(d) The person has a concentration of eight-hundredths of 2965
one gram or more but less than seventeen-hundredths of one gram 2966

by weight of alcohol per two hundred ten liters of the person's 2967
breath. 2968

(e) The person has a concentration of eleven-hundredths of 2969
one gram or more but less than two hundred thirty-eight- 2970
thousandths of one gram by weight of alcohol per one hundred 2971
milliliters of the person's urine. 2972

(f) The person has a concentration of seventeen-hundredths 2973
of one per cent or more by weight per unit volume of alcohol in 2974
the person's whole blood. 2975

(g) The person has a concentration of two hundred four- 2976
thousandths of one per cent or more by weight per unit volume of 2977
alcohol in the person's blood serum or plasma. 2978

(h) The person has a concentration of seventeen-hundredths 2979
of one gram or more by weight of alcohol per two hundred ten 2980
liters of the person's breath. 2981

(i) The person has a concentration of two hundred thirty- 2982
eight-thousandths of one gram or more by weight of alcohol per 2983
one hundred milliliters of the person's urine. 2984

(j) Except as provided in division (K) of this section, 2985
the person has a concentration of any of the following 2986
controlled substances or metabolites of a controlled substance 2987
in the person's whole blood, blood serum or plasma, or urine 2988
that equals or exceeds any of the following: 2989

(i) The person has a concentration of amphetamine in the 2990
person's urine of at least five hundred nanograms of amphetamine 2991
per milliliter of the person's urine or has a concentration of 2992
amphetamine in the person's whole blood or blood serum or plasma 2993
of at least one hundred nanograms of amphetamine per milliliter 2994
of the person's whole blood or blood serum or plasma. 2995

(ii) The person has a concentration of cocaine in the 2996
person's urine of at least one hundred fifty nanograms of 2997
cocaine per milliliter of the person's urine or has a 2998
concentration of cocaine in the person's whole blood or blood 2999
serum or plasma of at least fifty nanograms of cocaine per 3000
milliliter of the person's whole blood or blood serum or plasma. 3001

(iii) The person has a concentration of cocaine metabolite 3002
in the person's urine of at least one hundred fifty nanograms of 3003
cocaine metabolite per milliliter of the person's urine or has a 3004
concentration of cocaine metabolite in the person's whole blood 3005
or blood serum or plasma of at least fifty nanograms of cocaine 3006
metabolite per milliliter of the person's whole blood or blood 3007
serum or plasma. 3008

(iv) The person has a concentration of heroin in the 3009
person's urine of at least two thousand nanograms of heroin per 3010
milliliter of the person's urine or has a concentration of 3011
heroin in the person's whole blood or blood serum or plasma of 3012
at least fifty nanograms of heroin per milliliter of the 3013
person's whole blood or blood serum or plasma. 3014

(v) The person has a concentration of heroin metabolite 3015
(6-monoacetyl morphine) in the person's urine of at least ten 3016
nanograms of heroin metabolite (6-monoacetyl morphine) per 3017
milliliter of the person's urine or has a concentration of 3018
heroin metabolite (6-monoacetyl morphine) in the person's whole 3019
blood or blood serum or plasma of at least ten nanograms of 3020
heroin metabolite (6-monoacetyl morphine) per milliliter of the 3021
person's whole blood or blood serum or plasma. 3022

(vi) The person has a concentration of L.S.D. in the 3023
person's urine of at least twenty-five nanograms of L.S.D. per 3024
milliliter of the person's urine or a concentration of L.S.D. in 3025

the person's whole blood or blood serum or plasma of at least 3026
ten nanograms of L.S.D. per milliliter of the person's whole 3027
blood or blood serum or plasma. 3028

(vii) The person has a concentration of marihuana in the 3029
person's urine of at least ten nanograms of marihuana per 3030
milliliter of the person's urine or has a concentration of 3031
marihuana in the person's whole blood or blood serum or plasma 3032
of at least two nanograms of marihuana per milliliter of the 3033
person's whole blood or blood serum or plasma. 3034

(viii) Either of the following applies: 3035

(I) The person is under the influence of alcohol, a drug 3036
of abuse, or a combination of them, and, as measured by gas 3037
chromatography mass spectrometry, the person has a concentration 3038
of marihuana metabolite in the person's urine of at least 3039
fifteen nanograms of marihuana metabolite per milliliter of the 3040
person's urine or has a concentration of marihuana metabolite in 3041
the person's whole blood or blood serum or plasma of at least 3042
five nanograms of marihuana metabolite per milliliter of the 3043
person's whole blood or blood serum or plasma. 3044

(II) As measured by gas chromatography mass spectrometry, 3045
the person has a concentration of marihuana metabolite in the 3046
person's urine of at least thirty-five nanograms of marihuana 3047
metabolite per milliliter of the person's urine or has a 3048
concentration of marihuana metabolite in the person's whole 3049
blood or blood serum or plasma of at least fifty nanograms of 3050
marihuana metabolite per milliliter of the person's whole blood 3051
or blood serum or plasma. 3052

(ix) The person has a concentration of methamphetamine in 3053
the person's urine of at least five hundred nanograms of 3054

methamphetamine per milliliter of the person's urine or has a 3055
concentration of methamphetamine in the person's whole blood or 3056
blood serum or plasma of at least one hundred nanograms of 3057
methamphetamine per milliliter of the person's whole blood or 3058
blood serum or plasma. 3059

(x) The person has a concentration of phencyclidine in the 3060
person's urine of at least twenty-five nanograms of 3061
phencyclidine per milliliter of the person's urine or has a 3062
concentration of phencyclidine in the person's whole blood or 3063
blood serum or plasma of at least ten nanograms of phencyclidine 3064
per milliliter of the person's whole blood or blood serum or 3065
plasma. 3066

(xi) The state board of pharmacy has adopted a rule 3067
pursuant to section 4729.041 of the Revised Code that specifies 3068
the amount of salvia divinorum and the amount of salvinorin A 3069
that constitute concentrations of salvia divinorum and 3070
salvinorin A in a person's urine, in a person's whole blood, or 3071
in a person's blood serum or plasma at or above which the person 3072
is impaired for purposes of operating any vehicle, streetcar, or 3073
trackless trolley within this state, the rule is in effect, and 3074
the person has a concentration of salvia divinorum or salvinorin 3075
A of at least that amount so specified by rule in the person's 3076
urine, in the person's whole blood, or in the person's blood 3077
serum or plasma. 3078

(2) No person who, within twenty years of the conduct 3079
described in division (A)(2)(a) of this section, previously has 3080
been convicted of or pleaded guilty to a violation of this 3081
division, a violation of division (A)(1) or (B) of this section, 3082
or any other equivalent offense shall do both of the following: 3083

(a) Operate any vehicle, streetcar, or trackless trolley 3084

within this state while under the influence of alcohol, a drug 3085
of abuse, or a combination of them; 3086

(b) Subsequent to being arrested for operating the 3087
vehicle, streetcar, or trackless trolley as described in 3088
division (A)(2)(a) of this section, being asked by a law 3089
enforcement officer to submit to a chemical test or tests under 3090
section 4511.191 of the Revised Code, and being advised by the 3091
officer in accordance with section 4511.192 of the Revised Code 3092
of the consequences of the person's refusal or submission to the 3093
test or tests, refuse to submit to the test or tests. 3094

(B) No person under twenty-one years of age shall operate 3095
any vehicle, streetcar, or trackless trolley within this state, 3096
if, at the time of the operation, any of the following apply: 3097

(1) The person has a concentration of at least two- 3098
hundredths of one per cent but less than eight-hundredths of one 3099
per cent by weight per unit volume of alcohol in the person's 3100
whole blood. 3101

(2) The person has a concentration of at least three- 3102
hundredths of one per cent but less than ninety-six-thousandths 3103
of one per cent by weight per unit volume of alcohol in the 3104
person's blood serum or plasma. 3105

(3) The person has a concentration of at least two- 3106
hundredths of one gram but less than eight-hundredths of one 3107
gram by weight of alcohol per two hundred ten liters of the 3108
person's breath. 3109

(4) The person has a concentration of at least twenty- 3110
eight one-thousandths of one gram but less than eleven- 3111
hundredths of one gram by weight of alcohol per one hundred 3112
milliliters of the person's urine. 3113

(C) In any proceeding arising out of one incident, a 3114
person may be charged with a violation of division (A) (1) (a) or 3115
(A) (2) and a violation of division (B) (1), (2), or (3) of this 3116
section, but the person may not be convicted of more than one 3117
violation of these divisions. 3118

(D) (1) (a) In any criminal prosecution or juvenile court 3119
proceeding for a violation of division (A) (1) (a) of this section 3120
or for an equivalent offense that is vehicle-related, the result 3121
of any test of any blood or urine withdrawn and analyzed at any 3122
health care provider, as defined in section 2317.02 of the 3123
Revised Code, may be admitted with expert testimony to be 3124
considered with any other relevant and competent evidence in 3125
determining the guilt or innocence of the defendant. 3126

(b) In any criminal prosecution or juvenile court 3127
proceeding for a violation of division (A) or (B) of this 3128
section or for an equivalent offense that is vehicle-related, 3129
the court may admit evidence on the concentration of alcohol, 3130
drugs of abuse, controlled substances, metabolites of a 3131
controlled substance, or a combination of them in the 3132
defendant's whole blood, blood serum or plasma, breath, urine, 3133
or other bodily substance at the time of the alleged violation 3134
as shown by chemical analysis of the substance withdrawn within 3135
three hours of the time of the alleged violation. The three-hour 3136
time limit specified in this division regarding the admission of 3137
evidence does not extend or affect the two-hour time limit 3138
specified in division (A) of section 4511.192 of the Revised 3139
Code as the maximum period of time during which a person may 3140
consent to a chemical test or tests as described in that 3141
section. The court may admit evidence on the concentration of 3142
alcohol, drugs of abuse, or a combination of them as described 3143
in this division when a person submits to a blood, breath, 3144

urine, or other bodily substance test at the request of a law 3145
enforcement officer under section 4511.191 of the Revised Code 3146
or a blood or urine sample is obtained pursuant to a search 3147
warrant. Only a physician, a registered nurse, an emergency 3148
medical technician-intermediate, an emergency medical 3149
technician-paramedic, or a qualified technician, chemist, or 3150
phlebotomist shall withdraw a blood sample for the purpose of 3151
determining the alcohol, drug, controlled substance, metabolite 3152
of a controlled substance, or combination content of the whole 3153
blood, blood serum, or blood plasma. This limitation does not 3154
apply to the taking of breath or urine specimens. A person 3155
authorized to withdraw blood under this division may refuse to 3156
withdraw blood under this division, if in that person's opinion, 3157
the physical welfare of the person would be endangered by the 3158
withdrawing of blood. 3159

The bodily substance withdrawn under division (D) (1) (b) of 3160
this section shall be analyzed in accordance with methods 3161
approved by the director of health by an individual possessing a 3162
valid permit issued by the director pursuant to section 3701.143 3163
of the Revised Code. 3164

(c) As used in division (D) (1) (b) of this section, 3165
"emergency medical technician-intermediate" and "emergency 3166
medical technician-paramedic" have the same meanings as in 3167
section 4765.01 of the Revised Code. 3168

(2) In a criminal prosecution or juvenile court proceeding 3169
for a violation of division (A) of this section or for an 3170
equivalent offense that is vehicle-related, if there was at the 3171
time the bodily substance was withdrawn a concentration of less 3172
than the applicable concentration of alcohol specified in 3173
divisions (A) (1) (b), (c), (d), and (e) of this section or less 3174

than the applicable concentration of a listed controlled 3175
substance or a listed metabolite of a controlled substance 3176
specified for a violation of division (A) (1) (j) of this section, 3177
that fact may be considered with other competent evidence in 3178
determining the guilt or innocence of the defendant. This 3179
division does not limit or affect a criminal prosecution or 3180
juvenile court proceeding for a violation of division (B) of 3181
this section or for an equivalent offense that is substantially 3182
equivalent to that division. 3183

(3) Upon the request of the person who was tested, the 3184
results of the chemical test shall be made available to the 3185
person or the person's attorney, immediately upon the completion 3186
of the chemical test analysis. 3187

If the chemical test was obtained pursuant to division (D) 3188
(1) (b) of this section, the person tested may have a physician, 3189
a registered nurse, or a qualified technician, chemist, or 3190
phlebotomist of the person's own choosing administer a chemical 3191
test or tests, at the person's expense, in addition to any 3192
administered at the request of a law enforcement officer. If the 3193
person was under arrest as described in division (A) (5) of 3194
section 4511.191 of the Revised Code, the arresting officer 3195
shall advise the person at the time of the arrest that the 3196
person may have an independent chemical test taken at the 3197
person's own expense. If the person was under arrest other than 3198
described in division (A) (5) of section 4511.191 of the Revised 3199
Code, the form to be read to the person to be tested, as 3200
required under section 4511.192 of the Revised Code, shall state 3201
that the person may have an independent test performed at the 3202
person's expense. The failure or inability to obtain an 3203
additional chemical test by a person shall not preclude the 3204
admission of evidence relating to the chemical test or tests 3205

taken at the request of a law enforcement officer. 3206

(4) (a) As used in divisions (D) (4) (b) and (c) of this 3207
section, "national highway traffic safety administration" means 3208
the national highway traffic safety administration established 3209
as an administration of the United States department of 3210
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3211

(b) In any criminal prosecution or juvenile court 3212
proceeding for a violation of division (A) or (B) of this 3213
section, of a municipal ordinance relating to operating a 3214
vehicle while under the influence of alcohol, a drug of abuse, 3215
or alcohol and a drug of abuse, or of a municipal ordinance 3216
relating to operating a vehicle with a prohibited concentration 3217
of alcohol, a controlled substance, or a metabolite of a 3218
controlled substance in the whole blood, blood serum or plasma, 3219
breath, or urine, if a law enforcement officer has administered 3220
a field sobriety test to the operator of the vehicle involved in 3221
the violation and if it is shown by clear and convincing 3222
evidence that the officer administered the test in substantial 3223
compliance with the testing standards for any reliable, 3224
credible, and generally accepted field sobriety tests that were 3225
in effect at the time the tests were administered, including, 3226
but not limited to, any testing standards then in effect that 3227
were set by the national highway traffic safety administration, 3228
all of the following apply: 3229

(i) The officer may testify concerning the results of the 3230
field sobriety test so administered. 3231

(ii) The prosecution may introduce the results of the 3232
field sobriety test so administered as evidence in any 3233
proceedings in the criminal prosecution or juvenile court 3234
proceeding. 3235

(iii) If testimony is presented or evidence is introduced 3236
under division (D) (4) (b) (i) or (ii) of this section and if the 3237
testimony or evidence is admissible under the Rules of Evidence, 3238
the court shall admit the testimony or evidence and the trier of 3239
fact shall give it whatever weight the trier of fact considers 3240
to be appropriate. 3241

(c) Division (D) (4) (b) of this section does not limit or 3242
preclude a court, in its determination of whether the arrest of 3243
a person was supported by probable cause or its determination of 3244
any other matter in a criminal prosecution or juvenile court 3245
proceeding of a type described in that division, from 3246
considering evidence or testimony that is not otherwise 3247
disallowed by division (D) (4) (b) of this section. 3248

(E) (1) Subject to division (E) (3) of this section, in any 3249
criminal prosecution or juvenile court proceeding for a 3250
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 3251
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 3252
an equivalent offense that is substantially equivalent to any of 3253
those divisions, a laboratory report from any laboratory 3254
personnel issued a permit by the department of health 3255
authorizing an analysis as described in this division that 3256
contains an analysis of the whole blood, blood serum or plasma, 3257
breath, urine, or other bodily substance tested and that 3258
contains all of the information specified in this division shall 3259
be admitted as prima-facie evidence of the information and 3260
statements that the report contains. The laboratory report shall 3261
contain all of the following: 3262

(a) The signature, under oath, of any person who performed 3263
the analysis; 3264

(b) Any findings as to the identity and quantity of 3265

alcohol, a drug of abuse, a controlled substance, a metabolite 3266
of a controlled substance, or a combination of them that was 3267
found; 3268

(c) A copy of a notarized statement by the laboratory 3269
director or a designee of the director that contains the name of 3270
each certified analyst or test performer involved with the 3271
report, the analyst's or test performer's employment 3272
relationship with the laboratory that issued the report, and a 3273
notation that performing an analysis of the type involved is 3274
part of the analyst's or test performer's regular duties; 3275

(d) An outline of the analyst's or test performer's 3276
education, training, and experience in performing the type of 3277
analysis involved and a certification that the laboratory 3278
satisfies appropriate quality control standards in general and, 3279
in this particular analysis, under rules of the department of 3280
health. 3281

(2) Notwithstanding any other provision of law regarding 3282
the admission of evidence, a report of the type described in 3283
division (E)(1) of this section is not admissible against the 3284
defendant to whom it pertains in any proceeding, other than a 3285
preliminary hearing or a grand jury proceeding, unless the 3286
prosecutor has served a copy of the report on the defendant's 3287
attorney or, if the defendant has no attorney, on the defendant. 3288

(3) A report of the type described in division (E)(1) of 3289
this section shall not be prima-facie evidence of the contents, 3290
identity, or amount of any substance if, within seven days after 3291
the defendant to whom the report pertains or the defendant's 3292
attorney receives a copy of the report, the defendant or the 3293
defendant's attorney demands the testimony of the person who 3294
signed the report. The judge in the case may extend the seven- 3295

day time limit in the interest of justice. 3296

(F) Except as otherwise provided in this division, any 3297
physician, registered nurse, emergency medical technician- 3298
intermediate, emergency medical technician-paramedic, or 3299
qualified technician, chemist, or phlebotomist who withdraws 3300
blood from a person pursuant to this section or section 4511.191 3301
or 4511.192 of the Revised Code, and any hospital, first-aid 3302
station, or clinic at which blood is withdrawn from a person 3303
pursuant to this section or section 4511.191 or 4511.192 of the 3304
Revised Code, is immune from criminal liability and civil 3305
liability based upon a claim of assault and battery or any other 3306
claim that is not a claim of malpractice, for any act performed 3307
in withdrawing blood from the person. The immunity provided in 3308
this division also extends to an emergency medical service 3309
organization that employs an emergency medical technician- 3310
intermediate or emergency medical technician-paramedic who 3311
withdraws blood under this section. The immunity provided in 3312
this division is not available to a person who withdraws blood 3313
if the person engages in willful or wanton misconduct. 3314

As used in this division, "emergency medical technician- 3315
intermediate" and "emergency medical technician-paramedic" have 3316
the same meanings as in section 4765.01 of the Revised Code. 3317

(G) (1) Whoever violates any provision of divisions (A) (1) 3318
(a) to (i) or (A) (2) of this section is guilty of operating a 3319
vehicle under the influence of alcohol, a drug of abuse, or a 3320
combination of them. Whoever violates division (A) (1) (j) of this 3321
section is guilty of operating a vehicle while under the 3322
influence of a listed controlled substance or a listed 3323
metabolite of a controlled substance. The court shall sentence 3324
the offender for either offense under Chapter 2929. of the 3325

Revised Code, except as otherwise authorized or required by 3326
divisions (G) (1) (a) to (e) of this section: 3327

(a) Except as otherwise provided in division (G) (1) (b), 3328
(c), (d), or (e) of this section, the offender is guilty of a 3329
misdemeanor of the first degree, and the court shall sentence 3330
the offender to all of the following: 3331

(i) If the sentence is being imposed for a violation of 3332
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3333
a mandatory jail term of three consecutive days. As used in this 3334
division, three consecutive days means seventy-two consecutive 3335
hours. The court may sentence an offender to both an 3336
intervention program and a jail term. The court may impose a 3337
jail term in addition to the three-day mandatory jail term or 3338
intervention program. However, in no case shall the cumulative 3339
jail term imposed for the offense exceed six months. 3340

The court may suspend the execution of the three-day jail 3341
term under this division if the court, in lieu of that suspended 3342
term, places the offender under a community control sanction 3343
pursuant to section 2929.25 of the Revised Code and requires the 3344
offender to attend, for three consecutive days, a drivers' 3345
intervention program certified under section 5119.38 of the 3346
Revised Code. The court also may suspend the execution of any 3347
part of the three-day jail term under this division if it places 3348
the offender under a community control sanction pursuant to 3349
section 2929.25 of the Revised Code for part of the three days, 3350
requires the offender to attend for the suspended part of the 3351
term a drivers' intervention program so certified, and sentences 3352
the offender to a jail term equal to the remainder of the three 3353
consecutive days that the offender does not spend attending the 3354
program. The court may require the offender, as a condition of 3355

community control and in addition to the required attendance at 3356
a drivers' intervention program, to attend and satisfactorily 3357
complete any treatment or education programs that comply with 3358
the minimum standards adopted pursuant to Chapter 5119. of the 3359
Revised Code by the director of mental health and addiction 3360
services that the operators of the drivers' intervention program 3361
determine that the offender should attend and to report 3362
periodically to the court on the offender's progress in the 3363
programs. The court also may impose on the offender any other 3364
conditions of community control that it considers necessary. 3365

If the court grants unlimited driving privileges to a 3366
first-time offender under section 4510.022 of the Revised Code, 3367
all penalties imposed upon the offender by the court under 3368
division (G) (1) (a) (i) of this section for the offense apply, 3369
except that the court shall suspend any mandatory or additional 3370
jail term imposed by the court under division (G) (1) (a) (i) of 3371
this section upon granting unlimited driving privileges in 3372
accordance with section 4510.022 of the Revised Code. 3373

(ii) If the sentence is being imposed for a violation of 3374
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3375
section, except as otherwise provided in this division, a 3376
mandatory jail term of at least three consecutive days and a 3377
requirement that the offender attend, for three consecutive 3378
days, a drivers' intervention program that is certified pursuant 3379
to section 5119.38 of the Revised Code. As used in this 3380
division, three consecutive days means seventy-two consecutive 3381
hours. If the court determines that the offender is not 3382
conducive to treatment in a drivers' intervention program, if 3383
the offender refuses to attend a drivers' intervention program, 3384
or if the jail at which the offender is to serve the jail term 3385
imposed can provide a driver's intervention program, the court 3386

shall sentence the offender to a mandatory jail term of at least 3387
six consecutive days. 3388

If the court grants unlimited driving privileges to a 3389
first-time offender under section 4510.022 of the Revised Code, 3390
all penalties imposed upon the offender by the court under 3391
division (G) (1) (a) (ii) of this section for the offense apply, 3392
except that the court shall suspend any mandatory or additional 3393
jail term imposed by the court under division (G) (1) (a) (ii) of 3394
this section upon granting unlimited driving privileges in 3395
accordance with section 4510.022 of the Revised Code. 3396

The court may require the offender, under a community 3397
control sanction imposed under section 2929.25 of the Revised 3398
Code, to attend and satisfactorily complete any treatment or 3399
education programs that comply with the minimum standards 3400
adopted pursuant to Chapter 5119. of the Revised Code by the 3401
director of mental health and addiction services, in addition to 3402
the required attendance at drivers' intervention program, that 3403
the operators of the drivers' intervention program determine 3404
that the offender should attend and to report periodically to 3405
the court on the offender's progress in the programs. The court 3406
also may impose any other conditions of community control on the 3407
offender that it considers necessary. 3408

(iii) In all cases, a fine of not less than three hundred 3409
seventy-five and not more than one thousand seventy-five 3410
dollars; 3411

(iv) In all cases, a ~~class five license~~ suspension of the 3412
offender's driver's or commercial driver's license or permit or 3413
nonresident operating privilege ~~from the range specified in~~ 3414
~~division (A) (5) of section 4510.02 of the Revised Code~~ for a 3415
definite period of one to three years. The court may grant 3416

limited driving privileges relative to the suspension under 3417
sections 4510.021 and 4510.13 of the Revised Code. The court may 3418
grant unlimited driving privileges with an ignition interlock 3419
device relative to the suspension and may reduce the period of 3420
suspension as authorized under section 4510.022 of the Revised 3421
Code. 3422

(b) Except as otherwise provided in division (G) (1) (e) of 3423
this section, an offender who, within ~~six~~-ten years of the 3424
offense, previously has been convicted of or pleaded guilty to 3425
one violation of division (A) or (B) of this section or one 3426
other equivalent offense is guilty of a misdemeanor of the first 3427
degree. The court shall sentence the offender to all of the 3428
following: 3429

(i) If the sentence is being imposed for a violation of 3430
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3431
a mandatory jail term of ten consecutive days. The court shall 3432
impose the ten-day mandatory jail term under this division 3433
unless, subject to division (G) (3) of this section, it instead 3434
imposes a sentence under that division consisting of both a jail 3435
term and a term of house arrest with electronic monitoring, with 3436
continuous alcohol monitoring, or with both electronic 3437
monitoring and continuous alcohol monitoring. The court may 3438
impose a jail term in addition to the ten-day mandatory jail 3439
term. The cumulative jail term imposed for the offense shall not 3440
exceed six months. 3441

In addition to the jail term or the term of house arrest 3442
with electronic monitoring or continuous alcohol monitoring or 3443
both types of monitoring and jail term, the court shall require 3444
the offender to be assessed by a community addiction services 3445
provider that is authorized by section 5119.21 of the Revised 3446

Code, subject to division (I) of this section, and shall order 3447
the offender to follow the treatment recommendations of the 3448
services provider. The purpose of the assessment is to determine 3449
the degree of the offender's alcohol usage and to determine 3450
whether or not treatment is warranted. Upon the request of the 3451
court, the services provider shall submit the results of the 3452
assessment to the court, including all treatment recommendations 3453
and clinical diagnoses related to alcohol use. 3454

(ii) If the sentence is being imposed for a violation of 3455
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3456
section, except as otherwise provided in this division, a 3457
mandatory jail term of twenty consecutive days. The court shall 3458
impose the twenty-day mandatory jail term under this division 3459
unless, subject to division (G)(3) of this section, it instead 3460
imposes a sentence under that division consisting of both a jail 3461
term and a term of house arrest with electronic monitoring, with 3462
continuous alcohol monitoring, or with both electronic 3463
monitoring and continuous alcohol monitoring. The court may 3464
impose a jail term in addition to the twenty-day mandatory jail 3465
term. The cumulative jail term imposed for the offense shall not 3466
exceed six months. 3467

In addition to the jail term or the term of house arrest 3468
with electronic monitoring or continuous alcohol monitoring or 3469
both types of monitoring and jail term, the court shall require 3470
the offender to be assessed by a community addiction service 3471
provider that is authorized by section 5119.21 of the Revised 3472
Code, subject to division (I) of this section, and shall order 3473
the offender to follow the treatment recommendations of the 3474
services provider. The purpose of the assessment is to determine 3475
the degree of the offender's alcohol usage and to determine 3476
whether or not treatment is warranted. Upon the request of the 3477

court, the services provider shall submit the results of the 3478
assessment to the court, including all treatment recommendations 3479
and clinical diagnoses related to alcohol use. 3480

(iii) In all cases, notwithstanding the fines set forth in 3481
Chapter 2929. of the Revised Code, a fine of not less than five 3482
hundred twenty-five and not more than one thousand six hundred 3483
twenty-five dollars; 3484

(iv) In all cases, a ~~class four license~~ suspension of the 3485
offender's driver's license, commercial driver's license, 3486
temporary instruction permit, probationary license, or 3487
nonresident operating privilege ~~from the range specified in~~ 3488
~~division (A) (4) of section 4510.02 of the Revised Code~~ for a 3489
definite period of one to seven years. The court may grant 3490
limited driving privileges relative to the suspension under 3491
sections 4510.021 and 4510.13 of the Revised Code. 3492

(v) In all cases, if the vehicle is registered in the 3493
offender's name, immobilization of the vehicle involved in the 3494
offense for ninety days in accordance with section 4503.233 of 3495
the Revised Code and impoundment of the license plates of that 3496
vehicle for ninety days. 3497

(c) Except as otherwise provided in division (G) (1) (e) of 3498
this section, an offender who, within ~~six~~ ten years of the 3499
offense, previously has been convicted of or pleaded guilty to 3500
two violations of division (A) or (B) of this section or other 3501
equivalent offenses is guilty of a misdemeanor. The court shall 3502
sentence the offender to all of the following: 3503

(i) If the sentence is being imposed for a violation of 3504
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3505
a mandatory jail term of thirty consecutive days. The court 3506

shall impose the thirty-day mandatory jail term under this 3507
division unless, subject to division (G) (3) of this section, it 3508
instead imposes a sentence under that division consisting of 3509
both a jail term and a term of house arrest with electronic 3510
monitoring, with continuous alcohol monitoring, or with both 3511
electronic monitoring and continuous alcohol monitoring. The 3512
court may impose a jail term in addition to the thirty-day 3513
mandatory jail term. Notwithstanding the jail terms set forth in 3514
sections 2929.21 to 2929.28 of the Revised Code, the additional 3515
jail term shall not exceed one year, and the cumulative jail 3516
term imposed for the offense shall not exceed one year. 3517

(ii) If the sentence is being imposed for a violation of 3518
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3519
section, a mandatory jail term of sixty consecutive days. The 3520
court shall impose the sixty-day mandatory jail term under this 3521
division unless, subject to division (G) (3) of this section, it 3522
instead imposes a sentence under that division consisting of 3523
both a jail term and a term of house arrest with electronic 3524
monitoring, with continuous alcohol monitoring, or with both 3525
electronic monitoring and continuous alcohol monitoring. The 3526
court may impose a jail term in addition to the sixty-day 3527
mandatory jail term. Notwithstanding the jail terms set forth in 3528
sections 2929.21 to 2929.28 of the Revised Code, the additional 3529
jail term shall not exceed one year, and the cumulative jail 3530
term imposed for the offense shall not exceed one year. 3531

(iii) In all cases, notwithstanding the fines set forth in 3532
Chapter 2929. of the Revised Code, a fine of not less than eight 3533
hundred fifty and not more than two thousand seven hundred fifty 3534
dollars; 3535

(iv) In all cases, a ~~class three license~~ suspension of the 3536

offender's driver's license, commercial driver's license, 3537
temporary instruction permit, probationary license, or 3538
nonresident operating privilege ~~from the range specified in~~ 3539
~~division (A) (3) of section 4510.02 of the Revised Code~~ for a 3540
definite period of two to twelve years. The court may grant 3541
limited driving privileges relative to the suspension under 3542
sections 4510.021 and 4510.13 of the Revised Code. 3543

(v) In all cases, if the vehicle is registered in the 3544
offender's name, criminal forfeiture of the vehicle involved in 3545
the offense in accordance with section 4503.234 of the Revised 3546
Code. Division (G) (6) of this section applies regarding any 3547
vehicle that is subject to an order of criminal forfeiture under 3548
this division. 3549

(vi) In all cases, the court shall order the offender to 3550
participate with a community addiction services provider 3551
authorized by section 5119.21 of the Revised Code, subject to 3552
division (I) of this section, and shall order the offender to 3553
follow the treatment recommendations of the services provider. 3554
The operator of the services provider shall determine and assess 3555
the degree of the offender's alcohol dependency and shall make 3556
recommendations for treatment. Upon the request of the court, 3557
the services provider shall submit the results of the assessment 3558
to the court, including all treatment recommendations and 3559
clinical diagnoses related to alcohol use. 3560

(d) Except as otherwise provided in division (G) (1) (e) of 3561
this section, an offender who, within ~~six~~ ten years of the 3562
offense, previously has been convicted of or pleaded guilty to 3563
three or four violations of division (A) or (B) of this section 3564
or other equivalent offenses or an offender who, within twenty 3565
years of the offense, previously has been convicted of or 3566

pleaded guilty to five or more violations of that nature is 3567
guilty of a felony of the fourth degree. The court shall 3568
sentence the offender to all of the following: 3569

(i) If the sentence is being imposed for a violation of 3570
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3571
a mandatory prison term of one, two, three, four, or five years 3572
as required by and in accordance with division (G)(2) of section 3573
2929.13 of the Revised Code if the offender also is convicted of 3574
or also pleads guilty to a specification of the type described 3575
in section 2941.1413 of the Revised Code or, in the discretion 3576
of the court, either a mandatory term of local incarceration of 3577
sixty consecutive days in accordance with division (G)(1) of 3578
section 2929.13 of the Revised Code or a mandatory prison term 3579
of sixty consecutive days in accordance with division (G)(2) of 3580
that section if the offender is not convicted of and does not 3581
plead guilty to a specification of that type. If the court 3582
imposes a mandatory term of local incarceration, it may impose a 3583
jail term in addition to the sixty-day mandatory term, the 3584
cumulative total of the mandatory term and the jail term for the 3585
offense shall not exceed one year, and, except as provided in 3586
division (A)(1) of section 2929.13 of the Revised Code, no 3587
prison term is authorized for the offense. If the court imposes 3588
a mandatory prison term, notwithstanding division (A)(4) of 3589
section 2929.14 of the Revised Code, it also may sentence the 3590
offender to a definite prison term that shall be not less than 3591
six months and not more than thirty months and the prison terms 3592
shall be imposed as described in division (G)(2) of section 3593
2929.13 of the Revised Code. If the court imposes a mandatory 3594
prison term or mandatory prison term and additional prison term, 3595
in addition to the term or terms so imposed, the court also may 3596
sentence the offender to a community control sanction for the 3597

offense, but the offender shall serve all of the prison terms so 3598
imposed prior to serving the community control sanction. 3599

(ii) If the sentence is being imposed for a violation of 3600
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3601
section, a mandatory prison term of one, two, three, four, or 3602
five years as required by and in accordance with division (G)(2) 3603
of section 2929.13 of the Revised Code if the offender also is 3604
convicted of or also pleads guilty to a specification of the 3605
type described in section 2941.1413 of the Revised Code or, in 3606
the discretion of the court, either a mandatory term of local 3607
incarceration of one hundred twenty consecutive days in 3608
accordance with division (G)(1) of section 2929.13 of the 3609
Revised Code or a mandatory prison term of one hundred twenty 3610
consecutive days in accordance with division (G)(2) of that 3611
section if the offender is not convicted of and does not plead 3612
guilty to a specification of that type. If the court imposes a 3613
mandatory term of local incarceration, it may impose a jail term 3614
in addition to the one hundred twenty-day mandatory term, the 3615
cumulative total of the mandatory term and the jail term for the 3616
offense shall not exceed one year, and, except as provided in 3617
division (A)(1) of section 2929.13 of the Revised Code, no 3618
prison term is authorized for the offense. If the court imposes 3619
a mandatory prison term, notwithstanding division (A)(4) of 3620
section 2929.14 of the Revised Code, it also may sentence the 3621
offender to a definite prison term that shall be not less than 3622
six months and not more than thirty months and the prison terms 3623
shall be imposed as described in division (G)(2) of section 3624
2929.13 of the Revised Code. If the court imposes a mandatory 3625
prison term or mandatory prison term and additional prison term, 3626
in addition to the term or terms so imposed, the court also may 3627
sentence the offender to a community control sanction for the 3628

offense, but the offender shall serve all of the prison terms so 3629
imposed prior to serving the community control sanction. 3630

(iii) In all cases, notwithstanding section 2929.18 of the 3631
Revised Code, a fine of not less than one thousand three hundred 3632
fifty nor more than ten thousand five hundred dollars; 3633

(iv) In all cases, a class two license suspension of the 3634
offender's driver's license, commercial driver's license, 3635
temporary instruction permit, probationary license, or 3636
nonresident operating privilege from the range specified in 3637
division (A)(2) of section 4510.02 of the Revised Code. The 3638
court may grant limited driving privileges relative to the 3639
suspension under sections 4510.021 and 4510.13 of the Revised 3640
Code. 3641

(v) In all cases, if the vehicle is registered in the 3642
offender's name, criminal forfeiture of the vehicle involved in 3643
the offense in accordance with section 4503.234 of the Revised 3644
Code. Division (G)(6) of this section applies regarding any 3645
vehicle that is subject to an order of criminal forfeiture under 3646
this division. 3647

(vi) In all cases, the court shall order the offender to 3648
participate with a community addiction services provider 3649
authorized by section 5119.21 of the Revised Code, subject to 3650
division (I) of this section, and shall order the offender to 3651
follow the treatment recommendations of the services provider. 3652
The operator of the services provider shall determine and assess 3653
the degree of the offender's alcohol dependency and shall make 3654
recommendations for treatment. Upon the request of the court, 3655
the services provider shall submit the results of the assessment 3656
to the court, including all treatment recommendations and 3657
clinical diagnoses related to alcohol use. 3658

(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 3690
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3691
section, a mandatory prison term of one, two, three, four, or 3692
five years as required by and in accordance with division (G)(2) 3693
of section 2929.13 of the Revised Code if the offender also is 3694
convicted of or also pleads guilty to a specification of the 3695
type described in section 2941.1413 of the Revised Code or a 3696
mandatory prison term of one hundred twenty consecutive days in 3697
accordance with division (G)(2) of section 2929.13 of the 3698
Revised Code if the offender is not convicted of and does not 3699
plead guilty to a specification of that type. The court may 3700
impose a prison term in addition to the mandatory prison term. 3701
The cumulative total of a one hundred twenty-day mandatory 3702
prison term and the additional prison term for the offense shall 3703
not exceed five years. In addition to the mandatory prison term 3704
or mandatory prison term and additional prison term the court 3705
imposes, the court also may sentence the offender to a community 3706
control sanction for the offense, but the offender shall serve 3707
all of the prison terms so imposed prior to serving the 3708
community control sanction. 3709

(iii) In all cases, notwithstanding section 2929.18 of the 3710
Revised Code, a fine of not less than one thousand three hundred 3711
fifty nor more than ten thousand five hundred dollars; 3712

(iv) In all cases, a class two license suspension of the 3713
offender's driver's license, commercial driver's license, 3714
temporary instruction permit, probationary license, or 3715
nonresident operating privilege from the range specified in 3716
division (A)(2) of section 4510.02 of the Revised Code. The 3717
court may grant limited driving privileges relative to the 3718
suspension under sections 4510.021 and 4510.13 of the Revised 3719
Code. 3720

(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 3751
the date of sentencing, the court may impose an alternative 3752
sentence under this division that includes a term of house 3753
arrest with electronic monitoring, with continuous alcohol 3754
monitoring, or with both electronic monitoring and continuous 3755
alcohol monitoring. 3756

As an alternative to a mandatory jail term of ten 3757
consecutive days required by division (G) (1) (b) (i) of this 3758
section, the court, under this division, may sentence the 3759
offender to five consecutive days in jail and not less than 3760
eighteen consecutive days of house arrest with electronic 3761
monitoring, with continuous alcohol monitoring, or with both 3762
electronic monitoring and continuous alcohol monitoring. The 3763
cumulative total of the five consecutive days in jail and the 3764
period of house arrest with electronic monitoring, continuous 3765
alcohol monitoring, or both types of monitoring shall not exceed 3766
six months. The five consecutive days in jail do not have to be 3767
served prior to or consecutively to the period of house arrest. 3768

As an alternative to the mandatory jail term of twenty 3769
consecutive days required by division (G) (1) (b) (ii) of this 3770
section, the court, under this division, may sentence the 3771
offender to ten consecutive days in jail and not less than 3772
thirty-six consecutive days of house arrest with electronic 3773
monitoring, with continuous alcohol monitoring, or with both 3774
electronic monitoring and continuous alcohol monitoring. The 3775
cumulative total of the ten consecutive days in jail and the 3776
period of house arrest with electronic monitoring, continuous 3777
alcohol monitoring, or both types of monitoring shall not exceed 3778
six months. The ten consecutive days in jail do not have to be 3779
served prior to or consecutively to the period of house arrest. 3780

As an alternative to a mandatory jail term of thirty 3781
consecutive days required by division (G) (1) (c) (i) of this 3782
section, the court, under this division, may sentence the 3783
offender to fifteen consecutive days in jail and not less than 3784
fifty-five consecutive days of house arrest with electronic 3785
monitoring, with continuous alcohol monitoring, or with both 3786
electronic monitoring and continuous alcohol monitoring. The 3787
cumulative total of the fifteen consecutive days in jail and the 3788
period of house arrest with electronic monitoring, continuous 3789
alcohol monitoring, or both types of monitoring shall not exceed 3790
one year. The fifteen consecutive days in jail do not have to be 3791
served prior to or consecutively to the period of house arrest. 3792

As an alternative to the mandatory jail term of sixty 3793
consecutive days required by division (G) (1) (c) (ii) of this 3794
section, the court, under this division, may sentence the 3795
offender to thirty consecutive days in jail and not less than 3796
one hundred ten consecutive days of house arrest with electronic 3797
monitoring, with continuous alcohol monitoring, or with both 3798
electronic monitoring and continuous alcohol monitoring. The 3799
cumulative total of the thirty consecutive days in jail and the 3800
period of house arrest with electronic monitoring, continuous 3801
alcohol monitoring, or both types of monitoring shall not exceed 3802
one year. The thirty consecutive days in jail do not have to be 3803
served prior to or consecutively to the period of house arrest. 3804

(4) If an offender's driver's or occupational driver's 3805
license or permit or nonresident operating privilege is 3806
suspended under division (G) of this section and if section 3807
4510.13 of the Revised Code permits the court to grant limited 3808
driving privileges, the court may grant the limited driving 3809
privileges in accordance with that section. If division (A) (7) 3810
of that section requires that the court impose as a condition of 3811

the privileges that the offender must display on the vehicle 3812
that is driven subject to the privileges restricted license 3813
plates that are issued under section 4503.231 of the Revised 3814
Code, except as provided in division (B) of that section, the 3815
court shall impose that condition as one of the conditions of 3816
the limited driving privileges granted to the offender, except 3817
as provided in division (B) of section 4503.231 of the Revised 3818
Code. 3819

(5) Fines imposed under this section for a violation of 3820
division (A) of this section shall be distributed as follows: 3821

(a) Twenty-five dollars of the fine imposed under division 3822
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 3823
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 3824
fine imposed under division (G) (1) (c) (iii), and two hundred ten 3825
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 3826
(iii) of this section shall be paid to an enforcement and 3827
education fund established by the legislative authority of the 3828
law enforcement agency in this state that primarily was 3829
responsible for the arrest of the offender, as determined by the 3830
court that imposes the fine. The agency shall use this share to 3831
pay only those costs it incurs in enforcing this section or a 3832
municipal OVI ordinance and in informing the public of the laws 3833
governing the operation of a vehicle while under the influence 3834
of alcohol, the dangers of the operation of a vehicle under the 3835
influence of alcohol, and other information relating to the 3836
operation of a vehicle under the influence of alcohol and the 3837
consumption of alcoholic beverages. 3838

(b) Fifty dollars of the fine imposed under division (G) 3839
(1) (a) (iii) of this section shall be paid to the political 3840
subdivision that pays the cost of housing the offender during 3841

the offender's term of incarceration. If the offender is being 3842
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 3843
(e), or (j) of this section and was confined as a result of the 3844
offense prior to being sentenced for the offense but is not 3845
sentenced to a term of incarceration, the fifty dollars shall be 3846
paid to the political subdivision that paid the cost of housing 3847
the offender during that period of confinement. The political 3848
subdivision shall use the share under this division to pay or 3849
reimburse incarceration or treatment costs it incurs in housing 3850
or providing drug and alcohol treatment to persons who violate 3851
this section or a municipal OVI ordinance, costs of any 3852
immobilizing or disabling device used on the offender's vehicle, 3853
and costs of electronic house arrest equipment needed for 3854
persons who violate this section. 3855

(c) Twenty-five dollars of the fine imposed under division 3856
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 3857
division (G) (1) (b) (iii) of this section shall be deposited into 3858
the county or municipal indigent drivers' alcohol treatment fund 3859
under the control of that court, as created by the county or 3860
municipal corporation under division (F) of section 4511.191 of 3861
the Revised Code. 3862

(d) One hundred fifteen dollars of the fine imposed under 3863
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 3864
the fine imposed under division (G) (1) (c) (iii), and four hundred 3865
forty dollars of the fine imposed under division (G) (1) (d) (iii) 3866
or (e) (iii) of this section shall be paid to the political 3867
subdivision that pays the cost of housing the offender during 3868
the offender's term of incarceration. The political subdivision 3869
shall use this share to pay or reimburse incarceration or 3870
treatment costs it incurs in housing or providing drug and 3871
alcohol treatment to persons who violate this section or a 3872

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. 3873
3874
3875
3876

(e) Fifty dollars of the fine imposed under divisions (G) 3877
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 3878
(G) (1) (e) (iii) of this section shall be deposited into the 3879
special projects fund of the court in which the offender was 3880
convicted and that is established under division (E) (1) of 3881
section 2303.201, division (B) (1) of section 1901.26, or 3882
division (B) (1) of section 1907.24 of the Revised Code, to be 3883
used exclusively to cover the cost of immobilizing or disabling 3884
devices, including certified ignition interlock devices, and 3885
remote alcohol monitoring devices for indigent offenders who are 3886
required by a judge to use either of these devices. If the court 3887
in which the offender was convicted does not have a special 3888
projects fund that is established under division (E) (1) of 3889
section 2303.201, division (B) (1) of section 1901.26, or 3890
division (B) (1) of section 1907.24 of the Revised Code, the 3891
fifty dollars shall be deposited into the indigent drivers 3892
interlock and alcohol monitoring fund under division (I) of 3893
section 4511.191 of the Revised Code. 3894

(f) Seventy-five dollars of the fine imposed under 3895
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 3896
fine imposed under division (G) (1) (b) (iii), two hundred fifty 3897
dollars of the fine imposed under division (G) (1) (c) (iii), and 3898
five hundred dollars of the fine imposed under division (G) (1) 3899
(d) (iii) or (e) (iii) of this section shall be transmitted to the 3900
treasurer of state for deposit into the indigent defense support 3901
fund established under section 120.08 of the Revised Code. 3902

(g) The balance of the fine imposed under division (G) (1) 3903
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 3904
section shall be disbursed as otherwise provided by law. 3905

(6) If title to a motor vehicle that is subject to an 3906
order of criminal forfeiture under division (G) (1) (c), (d), or 3907
(e) of this section is assigned or transferred and division (B) 3908
(2) or (3) of section 4503.234 of the Revised Code applies, in 3909
addition to or independent of any other penalty established by 3910
law, the court may fine the offender the value of the vehicle as 3911
determined by publications of the national automobile dealers 3912
association. The proceeds of any fine so imposed shall be 3913
distributed in accordance with division (C) (2) of that section. 3914

(7) In all cases in which an offender is sentenced under 3915
division (G) of this section, the offender shall provide the 3916
court with proof of financial responsibility as defined in 3917
section 4509.01 of the Revised Code. If the offender fails to 3918
provide that proof of financial responsibility, the court, in 3919
addition to any other penalties provided by law, may order 3920
restitution pursuant to section 2929.18 or 2929.28 of the 3921
Revised Code in an amount not exceeding five thousand dollars 3922
for any economic loss arising from an accident or collision that 3923
was the direct and proximate result of the offender's operation 3924
of the vehicle before, during, or after committing the offense 3925
for which the offender is sentenced under division (G) of this 3926
section. 3927

(8) As used in division (G) of this section, "electronic 3928
monitoring," "mandatory prison term," and "mandatory term of 3929
local incarceration" have the same meanings as in section 3930
2929.01 of the Revised Code. 3931

(H) Whoever violates division (B) of this section is 3932

guilty of operating a vehicle after underage alcohol consumption 3933
and shall be punished as follows: 3934

(1) Except as otherwise provided in division (H) (2) of 3935
this section, the offender is guilty of a misdemeanor of the 3936
fourth degree. In addition to any other sanction imposed for the 3937
offense, the court shall impose a class six suspension of the 3938
offender's driver's license, commercial driver's license, 3939
temporary instruction permit, probationary license, or 3940
nonresident operating privilege from the range specified in 3941
division (A) (6) of section 4510.02 of the Revised Code. The 3942
court may grant limited driving privileges relative to the 3943
suspension under sections 4510.021 and 4510.13 of the Revised 3944
Code. The court may grant unlimited driving privileges with an 3945
ignition interlock device relative to the suspension and may 3946
reduce the period of suspension as authorized under section 3947
4510.022 of the Revised Code. If the court grants unlimited 3948
driving privileges under section 4510.022 of the Revised Code, 3949
the court shall suspend any jail term imposed under division (H) 3950
(1) of this section as required under that section. 3951

(2) If, within one year of the offense, the offender 3952
previously has been convicted of or pleaded guilty to one or 3953
more violations of division (A) or (B) of this section or other 3954
equivalent offenses, the offender is guilty of a misdemeanor of 3955
the third degree. In addition to any other sanction imposed for 3956
the offense, the court shall impose a class four suspension of 3957
the offender's driver's license, commercial driver's license, 3958
temporary instruction permit, probationary license, or 3959
nonresident operating privilege from the range specified in 3960
division (A) (4) of section 4510.02 of the Revised Code. The 3961
court may grant limited driving privileges relative to the 3962
suspension under sections 4510.021 and 4510.13 of the Revised 3963

Code. 3964

(3) If the offender also is convicted of or also pleads 3965
guilty to a specification of the type described in section 3966
2941.1416 of the Revised Code and if the court imposes a jail 3967
term for the violation of division (B) of this section, the 3968
court shall impose upon the offender an additional definite jail 3969
term pursuant to division (E) of section 2929.24 of the Revised 3970
Code. 3971

(4) The offender shall provide the court with proof of 3972
financial responsibility as defined in section 4509.01 of the 3973
Revised Code. If the offender fails to provide that proof of 3974
financial responsibility, then, in addition to any other 3975
penalties provided by law, the court may order restitution 3976
pursuant to section 2929.28 of the Revised Code in an amount not 3977
exceeding five thousand dollars for any economic loss arising 3978
from an accident or collision that was the direct and proximate 3979
result of the offender's operation of the vehicle before, 3980
during, or after committing the violation of division (B) of 3981
this section. 3982

(I) (1) No court shall sentence an offender to an alcohol 3983
treatment program under this section unless the treatment 3984
program complies with the minimum standards for alcohol 3985
treatment programs adopted under Chapter 5119. of the Revised 3986
Code by the director of mental health and addiction services. 3987

(2) An offender who stays in a drivers' intervention 3988
program or in an alcohol treatment program under an order issued 3989
under this section shall pay the cost of the stay in the 3990
program. However, if the court determines that an offender who 3991
stays in an alcohol treatment program under an order issued 3992
under this section is unable to pay the cost of the stay in the 3993

program, the court may order that the cost be paid from the 3994
court's indigent drivers' alcohol treatment fund. 3995

(J) If a person whose driver's or commercial driver's 3996
license or permit or nonresident operating privilege is 3997
suspended under this section files an appeal regarding any 3998
aspect of the person's trial or sentence, the appeal itself does 3999
not stay the operation of the suspension. 4000

(K) Division (A)(1)(j) of this section does not apply to a 4001
person who operates a vehicle, streetcar, or trackless trolley 4002
while the person has a concentration of a listed controlled 4003
substance or a listed metabolite of a controlled substance in 4004
the person's whole blood, blood serum or plasma, or urine that 4005
equals or exceeds the amount specified in that division, if both 4006
of the following apply: 4007

(1) The person obtained the controlled substance pursuant 4008
to a prescription issued by a licensed health professional 4009
authorized to prescribe drugs. 4010

(2) The person injected, ingested, or inhaled the 4011
controlled substance in accordance with the health 4012
professional's directions. 4013

(L) The prohibited concentrations of a controlled 4014
substance or a metabolite of a controlled substance listed in 4015
division (A)(1)(j) of this section also apply in a prosecution 4016
of a violation of division (D) of section 2923.16 of the Revised 4017
Code in the same manner as if the offender is being prosecuted 4018
for a prohibited concentration of alcohol. 4019

(M) All terms defined in section 4510.01 of the Revised 4020
Code apply to this section. If the meaning of a term defined in 4021
section 4510.01 of the Revised Code conflicts with the meaning 4022

of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

(N) (1) The Ohio Traffic Rules in effect on January 1, 2004, as adopted by the supreme court under authority of section 2937.46 of the Revised Code, do not apply to felony violations of this section. Subject to division (N) (2) of this section, the Rules of Criminal Procedure apply to felony violations of this section.

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

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

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

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

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

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private

property used by the public for vehicular travel or parking 4052
within this state or who is in physical control of a vehicle, 4053
streetcar, or trackless trolley shall be deemed to have given 4054
consent to a chemical test or tests of the person's whole blood, 4055
blood serum or plasma, breath, or urine to determine the 4056
alcohol, drug of abuse, controlled substance, metabolite of a 4057
controlled substance, or combination content of the person's 4058
whole blood, blood serum or plasma, breath, or urine if arrested 4059
for a violation of division (A) or (B) of section 4511.19 of the 4060
Revised Code, section 4511.194 of the Revised Code or a 4061
substantially equivalent municipal ordinance, or a municipal OVI 4062
ordinance. 4063

(3) The chemical test or tests under division (A) (2) of 4064
this section shall be administered at the request of a law 4065
enforcement officer having reasonable grounds to believe the 4066
person was operating or in physical control of a vehicle, 4067
streetcar, or trackless trolley in violation of a division, 4068
section, or ordinance identified in division (A) (2) of this 4069
section. The law enforcement agency by which the officer is 4070
employed shall designate which of the tests shall be 4071
administered. 4072

(4) Any person who is dead or unconscious, or who 4073
otherwise is in a condition rendering the person incapable of 4074
refusal, shall be deemed to have consented as provided in 4075
division (A) (2) of this section, and the test or tests may be 4076
administered, subject to sections 313.12 to 313.16 of the 4077
Revised Code. 4078

(5) (a) If a law enforcement officer arrests a person for a 4079
violation of division (A) or (B) of section 4511.19 of the 4080
Revised Code, section 4511.194 of the Revised Code or a 4081

substantially equivalent municipal ordinance, or a municipal OVI 4082
ordinance and if the person if convicted would be required to be 4083
sentenced under division (G) (1) (c), (d), or (e) of section 4084
4511.19 of the Revised Code, the law enforcement officer shall 4085
request the person to submit, and the person shall submit, to a 4086
chemical test or tests of the person's whole blood, blood serum 4087
or plasma, breath, or urine for the purpose of determining the 4088
alcohol, drug of abuse, controlled substance, metabolite of a 4089
controlled substance, or combination content of the person's 4090
whole blood, blood serum or plasma, breath, or urine. A law 4091
enforcement officer who makes a request pursuant to this 4092
division that a person submit to a chemical test or tests is not 4093
required to advise the person of the consequences of submitting 4094
to, or refusing to submit to, the test or tests and is not 4095
required to give the person the form described in division (B) 4096
of section 4511.192 of the Revised Code, but the officer shall 4097
advise the person at the time of the arrest that if the person 4098
refuses to take a chemical test the officer may employ whatever 4099
reasonable means are necessary to ensure that the person submits 4100
to a chemical test of the person's whole blood or blood serum or 4101
plasma. The officer shall also advise the person at the time of 4102
the arrest that the person may have an independent chemical test 4103
taken at the person's own expense. Divisions (A) (3) and (4) of 4104
this section apply to the administration of a chemical test or 4105
tests pursuant to this division. 4106

(b) If a person refuses to submit to a chemical test upon 4107
a request made pursuant to division (A) (5) (a) of this section, 4108
the law enforcement officer who made the request may employ 4109
whatever reasonable means are necessary to ensure that the 4110
person submits to a chemical test of the person's whole blood or 4111
blood serum or plasma. A law enforcement officer who acts 4112

pursuant to this division to ensure that a person submits to a 4113
chemical test of the person's whole blood or blood serum or 4114
plasma is immune from criminal and civil liability based upon a 4115
claim for assault and battery or any other claim for the acts, 4116
unless the officer so acted with malicious purpose, in bad 4117
faith, or in a wanton or reckless manner. 4118

(B) (1) Upon receipt of the sworn report of a law 4119
enforcement officer who arrested a person for a violation of 4120
division (A) or (B) of section 4511.19 of the Revised Code, 4121
section 4511.194 of the Revised Code or a substantially 4122
equivalent municipal ordinance, or a municipal OVI ordinance 4123
that was completed and sent to the registrar of motor vehicles 4124
and a court pursuant to section 4511.192 of the Revised Code in 4125
regard to a person who refused to take the designated chemical 4126
test, the registrar shall enter into the registrar's records the 4127
fact that the person's driver's or commercial driver's license 4128
or permit or nonresident operating privilege was suspended by 4129
the arresting officer under this division and that section and 4130
the period of the suspension, as determined under this section. 4131
The suspension shall be subject to appeal as provided in section 4132
4511.197 of the Revised Code. The suspension shall be for 4133
whichever of the following periods applies: 4134

(a) Except when division (B) (1) (b), (c), or (d) of this 4135
section applies and specifies a different class or length of 4136
suspension, the suspension shall be a class C suspension for the 4137
period of time specified in division (B) (3) of section 4510.02 4138
of the Revised Code. 4139

(b) If the arrested person, within ~~six~~-ten years of the 4140
date on which the person refused the request to consent to the 4141
chemical test, had refused one previous request to consent to a 4142

chemical test or had been convicted of or pleaded guilty to one 4143
violation of division (A) or (B) of section 4511.19 of the 4144
Revised Code or one other equivalent offense, the suspension 4145
shall be a class B suspension imposed for the period of time 4146
specified in division (B) (2) of section 4510.02 of the Revised 4147
Code. 4148

(c) If the arrested person, within ~~six~~-ten years of the 4149
date on which the person refused the request to consent to the 4150
chemical test, had refused two previous requests to consent to a 4151
chemical test, had been convicted of or pleaded guilty to two 4152
violations of division (A) or (B) of section 4511.19 of the 4153
Revised Code or other equivalent offenses, or had refused one 4154
previous request to consent to a chemical test and also had been 4155
convicted of or pleaded guilty to one violation of division (A) 4156
or (B) of section 4511.19 of the Revised Code or other 4157
equivalent offenses, which violation or offense arose from an 4158
incident other than the incident that led to the refusal, the 4159
suspension shall be a class A suspension imposed for the period 4160
of time specified in division (B) (1) of section 4510.02 of the 4161
Revised Code. 4162

(d) If the arrested person, within ~~six~~-ten years of the 4163
date on which the person refused the request to consent to the 4164
chemical test, had refused three or more previous requests to 4165
consent to a chemical test, had been convicted of or pleaded 4166
guilty to three or more violations of division (A) or (B) of 4167
section 4511.19 of the Revised Code or other equivalent 4168
offenses, or had refused a number of previous requests to 4169
consent to a chemical test and also had been convicted of or 4170
pleaded guilty to a number of violations of division (A) or (B) 4171
of section 4511.19 of the Revised Code or other equivalent 4172
offenses that cumulatively total three or more such refusals, 4173

convictions, and guilty pleas, the suspension shall be for five 4174
years. 4175

(2) The registrar shall terminate a suspension of the 4176
driver's or commercial driver's license or permit of a resident 4177
or of the operating privilege of a nonresident, or a denial of a 4178
driver's or commercial driver's license or permit, imposed 4179
pursuant to division (B)(1) of this section upon receipt of 4180
notice that the person has entered a plea of guilty to, or that 4181
the person has been convicted after entering a plea of no 4182
contest to, operating a vehicle in violation of section 4511.19 4183
of the Revised Code or in violation of a municipal OVI 4184
ordinance, if the offense for which the conviction is had or the 4185
plea is entered arose from the same incident that led to the 4186
suspension or denial. 4187

The registrar shall credit against any judicial suspension 4188
of a person's driver's or commercial driver's license or permit 4189
or nonresident operating privilege imposed pursuant to section 4190
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4191
the Revised Code for a violation of a municipal OVI ordinance, 4192
any time during which the person serves a related suspension 4193
imposed pursuant to division (B)(1) of this section. 4194

(C)(1) Upon receipt of the sworn report of the law 4195
enforcement officer who arrested a person for a violation of 4196
division (A) or (B) of section 4511.19 of the Revised Code or a 4197
municipal OVI ordinance that was completed and sent to the 4198
registrar and a court pursuant to section 4511.192 of the 4199
Revised Code in regard to a person whose test results indicate 4200
that the person's whole blood, blood serum or plasma, breath, or 4201
urine contained at least the concentration of alcohol specified 4202
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of 4203

the Revised Code or at least the concentration of a listed 4204
controlled substance or a listed metabolite of a controlled 4205
substance specified in division (A) (1) (j) of section 4511.19 of 4206
the Revised Code, the registrar shall enter into the registrar's 4207
records the fact that the person's driver's or commercial 4208
driver's license or permit or nonresident operating privilege 4209
was suspended by the arresting officer under this division and 4210
section 4511.192 of the Revised Code and the period of the 4211
suspension, as determined under divisions (C) (1) (a) to (d) of 4212
this section. The suspension shall be subject to appeal as 4213
provided in section 4511.197 of the Revised Code. The suspension 4214
described in this division does not apply to, and shall not be 4215
imposed upon, a person arrested for a violation of section 4216
4511.194 of the Revised Code or a substantially equivalent 4217
municipal ordinance who submits to a designated chemical test. 4218
The suspension shall be for whichever of the following periods 4219
applies: 4220

(a) Except when division (C) (1) (b), (c), or (d) of this 4221
section applies and specifies a different period, the suspension 4222
shall be a class E suspension imposed for the period of time 4223
specified in division (B) (5) of section 4510.02 of the Revised 4224
Code. 4225

(b) The suspension shall be a class C suspension for the 4226
period of time specified in division (B) (3) of section 4510.02 4227
of the Revised Code if the person has been convicted of or 4228
pleaded guilty to, within ~~six~~ten years of the date the test was 4229
conducted, one violation of division (A) or (B) of section 4230
4511.19 of the Revised Code or one other equivalent offense. 4231

(c) If, within ~~six~~ten years of the date the test was 4232
conducted, the person has been convicted of or pleaded guilty to 4233

two violations of a statute or ordinance described in division 4234
(C) (1) (b) of this section, the suspension shall be a class B 4235
suspension imposed for the period of time specified in division 4236
(B) (2) of section 4510.02 of the Revised Code. 4237

(d) If, within ~~six~~ten years of the date the test was 4238
conducted, the person has been convicted of or pleaded guilty to 4239
more than two violations of a statute or ordinance described in 4240
division (C) (1) (b) of this section, the suspension shall be a 4241
class A suspension imposed for the period of time specified in 4242
division (B) (1) of section 4510.02 of the Revised Code. 4243

(2) The registrar shall terminate a suspension of the 4244
driver's or commercial driver's license or permit of a resident 4245
or of the operating privilege of a nonresident, or a denial of a 4246
driver's or commercial driver's license or permit, imposed 4247
pursuant to division (C) (1) of this section upon receipt of 4248
notice that the person has entered a plea of guilty to, or that 4249
the person has been convicted after entering a plea of no 4250
contest to, operating a vehicle in violation of section 4511.19 4251
of the Revised Code or in violation of a municipal OVI 4252
ordinance, if the offense for which the conviction is had or the 4253
plea is entered arose from the same incident that led to the 4254
suspension or denial. 4255

The registrar shall credit against any judicial suspension 4256
of a person's driver's or commercial driver's license or permit 4257
or nonresident operating privilege imposed pursuant to section 4258
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4259
the Revised Code for a violation of a municipal OVI ordinance, 4260
any time during which the person serves a related suspension 4261
imposed pursuant to division (C) (1) of this section. 4262

(D) (1) A suspension of a person's driver's or commercial 4263

driver's license or permit or nonresident operating privilege 4264
under this section for the time described in division (B) or (C) 4265
of this section is effective immediately from the time at which 4266
the arresting officer serves the notice of suspension upon the 4267
arrested person. Any subsequent finding that the person is not 4268
guilty of the charge that resulted in the person being requested 4269
to take the chemical test or tests under division (A) of this 4270
section does not affect the suspension. 4271

(2) If a person is arrested for operating a vehicle, 4272
streetcar, or trackless trolley in violation of division (A) or 4273
(B) of section 4511.19 of the Revised Code or a municipal OVI 4274
ordinance, or for being in physical control of a vehicle, 4275
streetcar, or trackless trolley in violation of section 4511.194 4276
of the Revised Code or a substantially equivalent municipal 4277
ordinance, regardless of whether the person's driver's or 4278
commercial driver's license or permit or nonresident operating 4279
privilege is or is not suspended under division (B) or (C) of 4280
this section or Chapter 4510. of the Revised Code, the person's 4281
initial appearance on the charge resulting from the arrest shall 4282
be held within five days of the person's arrest or the issuance 4283
of the citation to the person, subject to any continuance 4284
granted by the court pursuant to section 4511.197 of the Revised 4285
Code regarding the issues specified in that division. 4286

(E) When it finally has been determined under the 4287
procedures of this section and sections 4511.192 to 4511.197 of 4288
the Revised Code that a nonresident's privilege to operate a 4289
vehicle within this state has been suspended, the registrar 4290
shall give information in writing of the action taken to the 4291
motor vehicle administrator of the state of the person's 4292
residence and of any state in which the person has a license. 4293

(F) At the end of a suspension period under this section, 4294
under section 4511.194, section 4511.196, or division (G) of 4295
section 4511.19 of the Revised Code, or under section 4510.07 of 4296
the Revised Code for a violation of a municipal OVI ordinance 4297
and upon the request of the person whose driver's or commercial 4298
driver's license or permit was suspended and who is not 4299
otherwise subject to suspension, cancellation, or 4300
disqualification, the registrar shall return the driver's or 4301
commercial driver's license or permit to the person upon the 4302
occurrence of all of the conditions specified in divisions (F) 4303
(1) and (2) of this section: 4304

(1) A showing that the person has proof of financial 4305
responsibility, a policy of liability insurance in effect that 4306
meets the minimum standards set forth in section 4509.51 of the 4307
Revised Code, or proof, to the satisfaction of the registrar, 4308
that the person is able to respond in damages in an amount at 4309
least equal to the minimum amounts specified in section 4509.51 4310
of the Revised Code. 4311

(2) Subject to the limitation contained in division (F) (3) 4312
of this section, payment by the person to the registrar or an 4313
eligible deputy registrar of a license reinstatement fee of four 4314
hundred seventy-five dollars, which fee shall be deposited in 4315
the state treasury and credited as follows: 4316

(a) One hundred twelve dollars and fifty cents shall be 4317
credited to the statewide treatment and prevention fund created 4318
by section 4301.30 of the Revised Code. Money credited to the 4319
fund under this section shall be used for purposes identified 4320
under section 5119.22 of the Revised Code. 4321

(b) Seventy-five dollars shall be credited to the 4322
reparations fund created by section 2743.191 of the Revised 4323

Code. 4324

(c) Thirty-seven dollars and fifty cents shall be credited 4325
to the indigent drivers alcohol treatment fund, which is hereby 4326
established in the state treasury. The department of mental 4327
health and addiction services shall distribute the moneys in 4328
that fund to the county indigent drivers alcohol treatment 4329
funds, the county juvenile indigent drivers alcohol treatment 4330
funds, and the municipal indigent drivers alcohol treatment 4331
funds that are required to be established by counties and 4332
municipal corporations pursuant to division (H) of this section 4333
to be used only as provided in division (H)(3) of this section. 4334
Moneys in the fund that are not distributed to a county indigent 4335
drivers alcohol treatment fund, a county juvenile indigent 4336
drivers alcohol treatment fund, or a municipal indigent drivers 4337
alcohol treatment fund under division (H) of this section 4338
because the director of mental health and addiction services 4339
does not have the information necessary to identify the county 4340
or municipal corporation where the offender or juvenile offender 4341
was arrested may be transferred by the director of budget and 4342
management to the statewide treatment and prevention fund 4343
created by section 4301.30 of the Revised Code, upon 4344
certification of the amount by the director of mental health and 4345
addiction services. 4346

(d) Seventy-five dollars shall be credited to the 4347
opportunities for Ohioans with disabilities agency established 4348
by section 3304.15 of the Revised Code, to the services for 4349
rehabilitation fund, which is hereby established. The fund shall 4350
be used to match available federal matching funds where 4351
appropriate, and for any other purpose or program of the agency 4352
to rehabilitate persons with disabilities to help them become 4353
employed and independent. 4354

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F) (4) of this section.

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

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

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

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code,

under section 4510.07 of the Revised Code for a violation of a 4385
municipal OVI ordinance or under any combination of the 4386
suspensions described in division (F) (3) of this section, and if 4387
the suspensions arise from a single incident or a single set of 4388
facts and circumstances, the person is liable for payment of, 4389
and shall be required to pay to the registrar or an eligible 4390
deputy registrar, only one reinstatement fee of four hundred 4391
seventy-five dollars. The reinstatement fee shall be distributed 4392
by the bureau in accordance with division (F) (2) of this 4393
section. 4394

(4) The attorney general shall use amounts in the drug 4395
abuse resistance education programs fund to award grants to law 4396
enforcement agencies to establish and implement drug abuse 4397
resistance education programs in public schools. Grants awarded 4398
to a law enforcement agency under this section shall be used by 4399
the agency to pay for not more than fifty per cent of the amount 4400
of the salaries of law enforcement officers who conduct drug 4401
abuse resistance education programs in public schools. The 4402
attorney general shall not use more than six per cent of the 4403
amounts the attorney general's office receives under division 4404
(F) (2) (e) of this section to pay the costs it incurs in 4405
administering the grant program established by division (F) (2) 4406
(e) of this section and in providing training and materials 4407
relating to drug abuse resistance education programs. 4408

The attorney general shall report to the governor and the 4409
general assembly each fiscal year on the progress made in 4410
establishing and implementing drug abuse resistance education 4411
programs. These reports shall include an evaluation of the 4412
effectiveness of these programs. 4413

(5) In addition to the reinstatement fee under this 4414

section, if the person pays the reinstatement fee to a deputy 4415
registrar, the deputy registrar shall collect a service fee of 4416
ten dollars to compensate the deputy registrar for services 4417
performed under this section. The deputy registrar shall retain 4418
eight dollars of the service fee and shall transmit the 4419
reinstatement fee, plus two dollars of the service fee, to the 4420
registrar in the manner the registrar shall determine. 4421

(G) Suspension of a commercial driver's license under 4422
division (B) or (C) of this section shall be concurrent with any 4423
period of disqualification under section 3123.611 or 4506.16 of 4424
the Revised Code or any period of suspension under section 4425
3123.58 of the Revised Code. No person who is disqualified for 4426
life from holding a commercial driver's license under section 4427
4506.16 of the Revised Code shall be issued a driver's license 4428
under Chapter 4507. of the Revised Code during the period for 4429
which the commercial driver's license was suspended under 4430
division (B) or (C) of this section. No person whose commercial 4431
driver's license is suspended under division (B) or (C) of this 4432
section shall be issued a driver's license under Chapter 4507. 4433
of the Revised Code during the period of the suspension. 4434

(H) (1) Each county shall establish an indigent drivers 4435
alcohol treatment fund and a juvenile indigent drivers alcohol 4436
treatment fund. Each municipal corporation in which there is a 4437
municipal court shall establish an indigent drivers alcohol 4438
treatment fund. All revenue that the general assembly 4439
appropriates to the indigent drivers alcohol treatment fund for 4440
transfer to a county indigent drivers alcohol treatment fund, a 4441
county juvenile indigent drivers alcohol treatment fund, or a 4442
municipal indigent drivers alcohol treatment fund, all portions 4443
of fees that are paid under division (F) of this section and 4444
that are credited under that division to the indigent drivers 4445

alcohol treatment fund in the state treasury for a county 4446
indigent drivers alcohol treatment fund, a county juvenile 4447
indigent drivers alcohol treatment fund, or a municipal indigent 4448
drivers alcohol treatment fund, all portions of additional costs 4449
imposed under section 2949.094 of the Revised Code that are 4450
specified for deposit into a county, county juvenile, or 4451
municipal indigent drivers alcohol treatment fund by that 4452
section, and all portions of fines that are specified for 4453
deposit into a county or municipal indigent drivers alcohol 4454
treatment fund by section 4511.193 of the Revised Code shall be 4455
deposited into that county indigent drivers alcohol treatment 4456
fund, county juvenile indigent drivers alcohol treatment fund, 4457
or municipal indigent drivers alcohol treatment fund. The 4458
portions of the fees paid under division (F) of this section 4459
that are to be so deposited shall be determined in accordance 4460
with division (H) (2) of this section. Additionally, all portions 4461
of fines that are paid for a violation of section 4511.19 of the 4462
Revised Code or of any prohibition contained in Chapter 4510. of 4463
the Revised Code, and that are required under section 4511.19 or 4464
any provision of Chapter 4510. of the Revised Code to be 4465
deposited into a county indigent drivers alcohol treatment fund 4466
or municipal indigent drivers alcohol treatment fund shall be 4467
deposited into the appropriate fund in accordance with the 4468
applicable division of the section or provision. 4469

(2) That portion of the license reinstatement fee that is 4470
paid under division (F) of this section and that is credited 4471
under that division to the indigent drivers alcohol treatment 4472
fund shall be deposited into a county indigent drivers alcohol 4473
treatment fund, a county juvenile indigent drivers alcohol 4474
treatment fund, or a municipal indigent drivers alcohol 4475
treatment fund as follows: 4476

(a) Regarding a suspension imposed under this section, 4477
that portion of the fee shall be deposited as follows: 4478

(i) If the fee is paid by a person who was charged in a 4479
county court with the violation that resulted in the suspension 4480
or in the imposition of the court costs, the portion shall be 4481
deposited into the county indigent drivers alcohol treatment 4482
fund under the control of that court; 4483

(ii) If the fee is paid by a person who was charged in a 4484
juvenile court with the violation that resulted in the 4485
suspension or in the imposition of the court costs, the portion 4486
shall be deposited into the county juvenile indigent drivers 4487
alcohol treatment fund established in the county served by the 4488
court; 4489

(iii) If the fee is paid by a person who was charged in a 4490
municipal court with the violation that resulted in the 4491
suspension or in the imposition of the court costs, the portion 4492
shall be deposited into the municipal indigent drivers alcohol 4493
treatment fund under the control of that court. 4494

(b) Regarding a suspension imposed under section 4511.19 4495
of the Revised Code or under section 4510.07 of the Revised Code 4496
for a violation of a municipal OVI ordinance, that portion of 4497
the fee shall be deposited as follows: 4498

(i) If the fee is paid by a person whose license or permit 4499
was suspended by a county court, the portion shall be deposited 4500
into the county indigent drivers alcohol treatment fund under 4501
the control of that court; 4502

(ii) If the fee is paid by a person whose license or 4503
permit was suspended by a municipal court, the portion shall be 4504
deposited into the municipal indigent drivers alcohol treatment 4505

fund under the control of that court. 4506

(3) (a) As used in division (H) (3) of this section, 4507
"indigent person" means a person who is convicted of a violation 4508
of division (A) or (B) of section 4511.19 of the Revised Code or 4509
a substantially similar municipal ordinance or found to be a 4510
juvenile traffic offender by reason of a violation of division 4511
(A) or (B) of section 4511.19 of the Revised Code or a 4512
substantially similar municipal ordinance, who is ordered by the 4513
court to attend an alcohol and drug addiction treatment program, 4514
and who is determined by the court under division (H) (5) of this 4515
section to be unable to pay the cost of the assessment or the 4516
cost of attendance at the treatment program. 4517

(b) A county, juvenile, or municipal court judge, by 4518
order, may make expenditures from a county indigent drivers 4519
alcohol treatment fund, a county juvenile indigent drivers 4520
alcohol treatment fund, or a municipal indigent drivers alcohol 4521
treatment fund with respect to an indigent person for any of the 4522
following: 4523

(i) To pay the cost of an assessment that is conducted by 4524
an appropriately licensed clinician at either a driver 4525
intervention program that is certified under section 5119.38 of 4526
the Revised Code or at a community addiction services provider 4527
that is certified under section 5119.36 of the Revised Code; 4528

(ii) To pay the cost of alcohol addiction services, drug 4529
addiction services, or integrated alcohol and drug addiction 4530
services at a community addiction services provider that is 4531
certified under section 5119.36 of the Revised Code; 4532

(iii) To pay the cost of transportation to attend an 4533
assessment as provided under division (H) (3) (b) (i) of this 4534

section or addiction services as provided under division (H) (3) 4535
(b) (ii) of this section. 4536

The alcohol and drug addiction services board or the board 4537
of alcohol, drug addiction, and mental health services 4538
established pursuant to section 340.02 or 340.021 of the Revised 4539
Code and serving the alcohol, drug addiction, and mental health 4540
service district in which the court is located shall administer 4541
the indigent drivers alcohol treatment program of the court. 4542
When a court orders an offender or juvenile traffic offender to 4543
obtain an assessment or attend an alcohol and drug addiction 4544
treatment program, the board shall determine which program is 4545
suitable to meet the needs of the offender or juvenile traffic 4546
offender, and when a suitable program is located and space is 4547
available at the program, the offender or juvenile traffic 4548
offender shall attend the program designated by the board. A 4549
reasonable amount not to exceed five per cent of the amounts 4550
credited to and deposited into the county indigent drivers 4551
alcohol treatment fund, the county juvenile indigent drivers 4552
alcohol treatment fund, or the municipal indigent drivers 4553
alcohol treatment fund serving every court whose program is 4554
administered by that board shall be paid to the board to cover 4555
the costs it incurs in administering those indigent drivers 4556
alcohol treatment programs. 4557

(c) Upon exhaustion of moneys in the indigent drivers 4558
interlock and alcohol monitoring fund for the use of an alcohol 4559
monitoring device, a county, juvenile, or municipal court judge 4560
may use moneys in the county indigent drivers alcohol treatment 4561
fund, county juvenile indigent drivers alcohol treatment fund, 4562
or municipal indigent drivers alcohol treatment fund in either 4563
of the following manners: 4564

(i) If the source of the moneys was an appropriation of the general assembly, a portion of a fee that was paid under division (F) of this section, a portion of a fine that was specified for deposit into the fund by section 4511.193 of the Revised Code, or a portion of a fine that was paid for a violation of section 4511.19 of the Revised Code or of a provision contained in Chapter 4510. of the Revised Code that was required to be deposited into the fund, to pay for the continued use of an alcohol monitoring device by an offender or juvenile traffic offender, in conjunction with a treatment program approved by the department of mental health and addiction services, when such use is determined clinically necessary by the treatment program and when the court determines that the offender or juvenile traffic offender is unable to pay all or part of the daily monitoring or cost of the device;

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

(4) If a county, juvenile, or municipal court determines,

in consultation with the alcohol and drug addiction services 4596
board or the board of alcohol, drug addiction, and mental health 4597
services established pursuant to section 340.02 or 340.021 of 4598
the Revised Code and serving the alcohol, drug addiction, and 4599
mental health district in which the court is located, that the 4600
funds in the county indigent drivers alcohol treatment fund, the 4601
county juvenile indigent drivers alcohol treatment fund, or the 4602
municipal indigent drivers alcohol treatment fund under the 4603
control of the court are more than sufficient to satisfy the 4604
purpose for which the fund was established, as specified in 4605
divisions (H) (1) to (3) of this section, the court may declare a 4606
surplus in the fund. If the court declares a surplus in the 4607
fund, the court may take any of the following actions with 4608
regard to the amount of the surplus in the fund: 4609

(a) Expend any of the surplus amount for alcohol and drug 4610
abuse assessment and treatment, and for the cost of 4611
transportation related to assessment and treatment, of persons 4612
who are charged in the court with committing a criminal offense 4613
or with being a delinquent child or juvenile traffic offender 4614
and in relation to whom both of the following apply: 4615

(i) The court determines that substance abuse was a 4616
contributing factor leading to the criminal or delinquent 4617
activity or the juvenile traffic offense with which the person 4618
is charged. 4619

(ii) The court determines that the person is unable to pay 4620
the cost of the alcohol and drug abuse assessment and treatment 4621
for which the surplus money will be used. 4622

(b) Expend any of the surplus amount to pay all or part of 4623
the cost of purchasing alcohol monitoring devices to be used in 4624
conjunction with division (H) (3) (c) of this section, upon 4625

exhaustion of moneys in the indigent drivers interlock and 4626
alcohol monitoring fund for the use of an alcohol monitoring 4627
device. 4628

(c) Transfer to another court in the same county any of 4629
the surplus amount to be utilized in a manner consistent with 4630
division (H) (3) of this section. If surplus funds are 4631
transferred to another court, the court that transfers the funds 4632
shall notify the alcohol and drug addiction services board or 4633
the board of alcohol, drug addiction, and mental health services 4634
that serves the alcohol, drug addiction, and mental health 4635
service district in which that court is located. 4636

(d) Transfer to the alcohol and drug addiction services 4637
board or the board of alcohol, drug addiction, and mental health 4638
services that serves the alcohol, drug addiction, and mental 4639
health service district in which the court is located any of the 4640
surplus amount to be utilized in a manner consistent with 4641
division (H) (3) of this section or for board contracted recovery 4642
support services. 4643

(5) In order to determine if an offender does not have the 4644
means to pay for the offender's attendance at an alcohol and 4645
drug addiction treatment program for purposes of division (H) (3) 4646
of this section or if an alleged offender or delinquent child is 4647
unable to pay the costs specified in division (H) (4) of this 4648
section, the court shall use the indigent client eligibility 4649
guidelines and the standards of indigency established by the 4650
state public defender to make the determination. 4651

(6) The court shall identify and refer any community 4652
addiction services provider that intends to provide addiction 4653
services and has not had its addiction services certified under 4654
section 5119.36 of the Revised Code and that is interested in 4655

receiving amounts from the surplus in the fund declared under 4656
division (H) (4) of this section to the department of mental 4657
health and addiction services in order for the community 4658
addiction services provider to have its addiction services 4659
certified by the department. The department shall keep a record 4660
of applicant referrals received pursuant to this division and 4661
shall submit a report on the referrals each year to the general 4662
assembly. If a community addiction services provider interested 4663
in having its addiction services certified makes an application 4664
pursuant to section 5119.36 of the Revised Code, the community 4665
addiction services provider is eligible to receive surplus funds 4666
as long as the application is pending with the department. The 4667
department of mental health and addiction services must offer 4668
technical assistance to the applicant. If the interested 4669
community addiction services provider withdraws the 4670
certification application, the department must notify the court, 4671
and the court shall not provide the interested community 4672
addiction services provider with any further surplus funds. 4673

(7) (a) Each alcohol and drug addiction services board and 4674
board of alcohol, drug addiction, and mental health services 4675
established pursuant to section 340.02 or 340.021 of the Revised 4676
Code shall submit to the department of mental health and 4677
addiction services an annual report for each indigent drivers 4678
alcohol treatment fund in that board's area. 4679

(b) The report, which shall be submitted not later than 4680
sixty days after the end of the state fiscal year, shall provide 4681
the total payment that was made from the fund, including the 4682
number of indigent consumers that received treatment services 4683
and the number of indigent consumers that received an alcohol 4684
monitoring device. The report shall identify the treatment 4685
program and expenditure for an alcohol monitoring device for 4686

which that payment was made. The report shall include the fiscal 4687
year balance of each indigent drivers alcohol treatment fund 4688
located in that board's area. In the event that a surplus is 4689
declared in the fund pursuant to division (H) (4) of this 4690
section, the report also shall provide the total payment that 4691
was made from the surplus moneys and identify the authorized 4692
purpose for which that payment was made. 4693

(c) If a board is unable to obtain adequate information to 4694
develop the report to submit to the department for a particular 4695
indigent drivers alcohol treatment fund, the board shall submit 4696
a report detailing the effort made in obtaining the information. 4697

(I) (1) Each county shall establish an indigent drivers 4698
interlock and alcohol monitoring fund and a juvenile indigent 4699
drivers interlock and alcohol treatment fund. Each municipal 4700
corporation in which there is a municipal court shall establish 4701
an indigent drivers interlock and alcohol monitoring fund. All 4702
revenue that the general assembly appropriates to the indigent 4703
drivers interlock and alcohol monitoring fund for transfer to a 4704
county indigent drivers interlock and alcohol monitoring fund, a 4705
county juvenile indigent drivers interlock and alcohol 4706
monitoring fund, or a municipal indigent drivers interlock and 4707
alcohol monitoring fund, all portions of license reinstatement 4708
fees that are paid under division (F) (2) of this section and 4709
that are credited under that division to the indigent drivers 4710
interlock and alcohol monitoring fund in the state treasury, and 4711
all portions of fines that are paid under division (G) of 4712
section 4511.19 of the Revised Code and that are credited by 4713
division (G) (5) (e) of that section to the indigent drivers 4714
interlock and alcohol monitoring fund in the state treasury 4715
shall be deposited in the appropriate fund in accordance with 4716
division (I) (2) of this section. 4717

(2) That portion of the license reinstatement fee that is 4718
paid under division (F) of this section and that portion of the 4719
fine paid under division (G) of section 4511.19 of the Revised 4720
Code and that is credited under either division to the indigent 4721
drivers interlock and alcohol monitoring fund shall be deposited 4722
into a county indigent drivers interlock and alcohol monitoring 4723
fund, a county juvenile indigent drivers interlock and alcohol 4724
monitoring fund, or a municipal indigent drivers interlock and 4725
alcohol monitoring fund as follows: 4726

(a) If the fee or fine is paid by a person who was charged 4727
in a county court with the violation that resulted in the 4728
suspension or fine, the portion shall be deposited into the 4729
county indigent drivers interlock and alcohol monitoring fund 4730
under the control of that court. 4731

(b) If the fee or fine is paid by a person who was charged 4732
in a juvenile court with the violation that resulted in the 4733
suspension or fine, the portion shall be deposited into the 4734
county juvenile indigent drivers interlock and alcohol 4735
monitoring fund established in the county served by the court. 4736

(c) If the fee or fine is paid by a person who was charged 4737
in a municipal court with the violation that resulted in the 4738
suspension, the portion shall be deposited into the municipal 4739
indigent drivers interlock and alcohol monitoring fund under the 4740
control of that court. 4741

(3) If a county, juvenile, or municipal court determines 4742
that the funds in the county indigent drivers interlock and 4743
alcohol monitoring fund, the county juvenile indigent drivers 4744
interlock and alcohol monitoring fund, or the municipal indigent 4745
drivers interlock and alcohol monitoring fund under the control 4746
of that court are more than sufficient to satisfy the purpose 4747

for which the fund was established as specified in division (F) 4748
(2) (h) of this section, the court may declare a surplus in the 4749
fund. The court then may order the transfer of a specified 4750
amount into the county indigent drivers alcohol treatment fund, 4751
the county juvenile indigent drivers alcohol treatment fund, or 4752
the municipal indigent drivers alcohol treatment fund under the 4753
control of that court to be utilized in accordance with division 4754
(H) of this section. 4755

Sec. 4511.193. (A) Twenty-five dollars of any fine imposed 4756
for a violation of a municipal OVI ordinance shall be deposited 4757
into the municipal or county indigent drivers alcohol treatment 4758
fund created pursuant to division (H) of section 4511.191 of the 4759
Revised Code in accordance with this section and section 733.40, 4760
divisions (A), (B), and (C) of section 1901.024, division (F) of 4761
section 1901.31, or division (C) of section 1907.20 of the 4762
Revised Code. Regardless of whether the fine is imposed by a 4763
municipal court, a mayor's court, or a juvenile court, if the 4764
fine was imposed for a violation of an ordinance of a municipal 4765
corporation that is within the jurisdiction of a county-operated 4766
municipal court or a municipal court that is not a county- 4767
operated municipal court, the twenty-five dollars that is 4768
subject to this section shall be deposited into the indigent 4769
drivers alcohol treatment fund of the county in which that 4770
municipal corporation is located if the municipal court that has 4771
jurisdiction over that municipal corporation is a county- 4772
operated municipal court or of the municipal corporation in 4773
which is located the municipal court that has jurisdiction over 4774
that municipal corporation if that municipal court is not a 4775
county-operated municipal court. Regardless of whether the fine 4776
is imposed by a county court, a mayor's court, or a juvenile 4777
court, if the fine was imposed for a violation of an ordinance 4778

of a municipal corporation that is within the jurisdiction of a 4779
county court, the twenty-five dollars that is subject to this 4780
section shall be deposited into the indigent drivers alcohol 4781
treatment fund of the county in which is located the county 4782
court that has jurisdiction over that municipal corporation. The 4783
deposit shall be made in accordance with section 733.40, 4784
divisions (A), (B), and (C) of section 1901.024, division (F) of 4785
section 1901.31, or division (C) of section 1907.20 of the 4786
Revised Code. 4787

(B) Any court cost imposed as a result of a violation of a 4788
municipal ordinance that is a moving violation and designated 4789
for an indigent drivers alcohol treatment fund established 4790
pursuant to division (H) of section 4511.191 of the Revised Code 4791
shall be deposited into the municipal or county indigent drivers 4792
alcohol treatment fund created pursuant to division (H) of 4793
section 4511.191 of the Revised Code in accordance with this 4794
section and section 733.40, divisions (A), (B), and (C) of 4795
section 1901.024, division (F) of section 1901.31, or division 4796
(C) of section 1907.20 of the Revised Code. Regardless of 4797
whether the court cost is imposed by a municipal court, a 4798
mayor's court, or a juvenile court, if the court cost was 4799
imposed for a violation of an ordinance of a municipal 4800
corporation that is within the jurisdiction of a county-operated 4801
municipal court or a municipal court that is not a county- 4802
operated municipal court, the court cost that is subject to this 4803
section shall be deposited into the indigent drivers alcohol 4804
treatment fund of the county in which that municipal corporation 4805
is located if the municipal court that has jurisdiction over 4806
that municipal corporation is a county-operated municipal court 4807
or of the municipal corporation in which is located the 4808
municipal court that has jurisdiction over that municipal 4809

corporation if that municipal court is not a county-operated 4810
municipal court. Regardless of whether the court cost is imposed 4811
by a county court, a mayor's court, or a juvenile court, if the 4812
court cost was imposed for a violation of an ordinance of a 4813
municipal corporation that is within the jurisdiction of a 4814
county court, the court cost that is subject to this section 4815
shall be deposited into the indigent drivers alcohol treatment 4816
fund of the county in which is located the county court that has 4817
jurisdiction over that municipal corporation. The deposit shall 4818
be made in accordance with section 733.40, divisions (A), (B), 4819
and (C) of section 1901.024, division (F) of section 1901.31, or 4820
division (C) of section 1907.20 of the Revised Code. 4821

(C) (1) The requirements and sanctions imposed by divisions 4822
(C) (1) and (2) of this section are an adjunct to and derive from 4823
the state's exclusive authority over the registration and 4824
titling of motor vehicles and do not comprise a part of the 4825
criminal sentence to be imposed upon a person who violates a 4826
municipal OVI ordinance. 4827

(2) If a person is convicted of or pleads guilty to a 4828
violation of a municipal OVI ordinance, if the vehicle the 4829
offender was operating at the time of the offense is registered 4830
in the offender's name, and if, within ~~six~~-ten years of the 4831
current offense, the offender has been convicted of or pleaded 4832
guilty to one or more violations of division (A) or (B) of 4833
section 4511.19 of the Revised Code or one or more other 4834
equivalent offenses, the court, in addition to and independent 4835
of any sentence that it imposes upon the offender for the 4836
offense, shall do whichever of the following is applicable: 4837

(a) Except as otherwise provided in division (C) (2) (b) of 4838
this section, if, within ~~six~~-ten years of the current offense, 4839

the offender has been convicted of or pleaded guilty to one 4840
violation described in division (C) (2) of this section, the 4841
court shall order the immobilization for ninety days of that 4842
vehicle and the impoundment for ninety days of the license 4843
plates of that vehicle. The order for the immobilization and 4844
impoundment shall be issued and enforced in accordance with 4845
section 4503.233 of the Revised Code. 4846

(b) If, within ~~six~~ten years of the current offense, the 4847
offender has been convicted of or pleaded guilty to two or more 4848
violations described in division (C) (2) of this section, or if 4849
the offender previously has been convicted of or pleaded guilty 4850
to a violation of division (A) of section 4511.19 of the Revised 4851
Code under circumstances in which the violation was a felony and 4852
regardless of when the violation and the conviction or guilty 4853
plea occurred, the court shall order the criminal forfeiture to 4854
the state of that vehicle. The order of criminal forfeiture 4855
shall be issued and enforced in accordance with section 4503.234 4856
of the Revised Code. 4857

(D) As used in this section, "county-operated municipal 4858
court" has the same meaning as in section 1901.03 of the Revised 4859
Code. 4860

Sec. 4511.195. (A) As used in this section: 4861

(1) "Arrested person" means a person who is arrested for a 4862
violation of division (A) of section 4511.19 of the Revised Code 4863
or a municipal OVI ordinance and whose arrest results in a 4864
vehicle being seized under division (B) of this section. 4865

(2) "Vehicle owner" means either of the following: 4866

(a) The person in whose name is registered, at the time of 4867
the seizure, a vehicle that is seized under division (B) of this 4868

section; 4869

(b) A person to whom the certificate of title to a vehicle 4870
that is seized under division (B) of this section has been 4871
assigned and who has not obtained a certificate of title to the 4872
vehicle in that person's name, but who is deemed by the court as 4873
being the owner of the vehicle at the time the vehicle was 4874
seized under division (B) of this section. 4875

(3) "Interested party" includes the owner of a vehicle 4876
seized under this section, all lienholders, the arrested person, 4877
the owner of the place of storage at which a vehicle seized 4878
under this section is stored, and the person or entity that 4879
caused the vehicle to be removed. 4880

(B) (1) The arresting officer or another officer of the law 4881
enforcement agency that employs the arresting officer, in 4882
addition to any action that the arresting officer is required or 4883
authorized to take by section 4511.19 or 4511.191 of the Revised 4884
Code or by any other provision of law, shall seize the vehicle 4885
that a person was operating at the time of the alleged offense 4886
and its license plates if the vehicle is registered in the 4887
arrested person's name and if either of the following applies: 4888

(a) The person is arrested for a violation of division (A) 4889
of section 4511.19 of the Revised Code or of a municipal OVI 4890
ordinance and, within ~~six~~ten years of the alleged violation, 4891
the person previously has been convicted of or pleaded guilty to 4892
one or more violations of division (A) or (B) of section 4511.19 4893
of the Revised Code or one or more other equivalent offenses. 4894

(b) The person is arrested for a violation of division (A) 4895
of section 4511.19 of the Revised Code or of a municipal OVI 4896
ordinance and the person previously has been convicted of or 4897

pleaded guilty to a violation of division (A) of section 4511.19 4898
of the Revised Code under circumstances in which the violation 4899
was a felony, regardless of when the prior felony violation of 4900
division (A) of section 4511.19 of the Revised Code and the 4901
conviction or guilty plea occurred. 4902

(2) A law enforcement agency that employs a law 4903
enforcement officer who makes an arrest of a type that is 4904
described in division (B)(1) of this section and that involves a 4905
rented or leased vehicle that is being rented or leased for a 4906
period of thirty days or less shall notify, within twenty-four 4907
hours after the officer makes the arrest, the lessor or owner of 4908
the vehicle regarding the circumstances of the arrest and the 4909
location at which the vehicle may be picked up. At the time of 4910
the seizure of the vehicle, the law enforcement officer who made 4911
the arrest shall give the arrested person written notice that 4912
the vehicle and its license plates have been seized; that the 4913
vehicle either will be kept by the officer's law enforcement 4914
agency or will be immobilized at least until the operator's 4915
initial appearance on the charge of the offense for which the 4916
arrest was made; that, at the initial appearance, the court in 4917
certain circumstances may order that the vehicle and license 4918
plates be released to the arrested person until the disposition 4919
of that charge; and that, if the arrested person is convicted of 4920
that charge, the court generally must order the immobilization 4921
of the vehicle and the impoundment of its license plates, or the 4922
forfeiture of the vehicle. 4923

(3) The arresting officer or a law enforcement officer of 4924
the agency that employs the arresting officer shall give written 4925
notice of the seizure to the court that will conduct the initial 4926
appearance of the arrested person on the charges arising out of 4927
the arrest. Upon receipt of the notice, the court promptly shall 4928

determine whether the arrested person is the vehicle owner. If 4929
the court determines that the arrested person is not the vehicle 4930
owner, it promptly shall send by regular mail written notice of 4931
the seizure to the vehicle's registered owner. The written 4932
notice shall contain all of the information required by division 4933
(B) (2) of this section to be in a notice to be given to the 4934
arrested person and also shall specify the date, time, and place 4935
of the arrested person's initial appearance. The notice also 4936
shall inform the vehicle owner that if title to a motor vehicle 4937
that is subject to an order for criminal forfeiture under this 4938
section is assigned or transferred and division (B) (2) or (3) of 4939
section 4503.234 of the Revised Code applies, the court may fine 4940
the arrested person the value of the vehicle. The notice also 4941
shall state that if the vehicle is immobilized under division 4942
(A) of section 4503.233 of the Revised Code, seven days after 4943
the end of the period of immobilization a law enforcement agency 4944
will send the vehicle owner a notice, informing the owner that 4945
if the release of the vehicle is not obtained in accordance with 4946
division (D) (3) of section 4503.233 of the Revised Code, the 4947
vehicle shall be forfeited. The notice also shall inform the 4948
vehicle owner that the vehicle owner may be charged expenses or 4949
charges incurred under this section and section 4503.233 of the 4950
Revised Code for the removal and storage of the vehicle. 4951

The written notice that is given to the arrested person 4952
also shall state that if the person is convicted of or pleads 4953
guilty to the offense and the court issues an immobilization and 4954
impoundment order relative to that vehicle, division (D) (4) of 4955
section 4503.233 of the Revised Code prohibits the vehicle from 4956
being sold during the period of immobilization without the prior 4957
approval of the court. 4958

(4) At or before the initial appearance, the vehicle owner 4959

may file a motion requesting the court to order that the vehicle 4960
and its license plates be released to the vehicle owner. Except 4961
as provided in this division and subject to the payment of 4962
expenses or charges incurred in the removal and storage of the 4963
vehicle, the court, in its discretion, then may issue an order 4964
releasing the vehicle and its license plates to the vehicle 4965
owner. Such an order may be conditioned upon such terms as the 4966
court determines appropriate, including the posting of a bond in 4967
an amount determined by the court. If the arrested person is not 4968
the vehicle owner and if the vehicle owner is not present at the 4969
arrested person's initial appearance, and if the court believes 4970
that the vehicle owner was not provided with adequate notice of 4971
the initial appearance, the court, in its discretion, may allow 4972
the vehicle owner to file a motion within seven days of the 4973
initial appearance. If the court allows the vehicle owner to 4974
file such a motion after the initial appearance, the extension 4975
of time granted by the court does not extend the time within 4976
which the initial appearance is to be conducted. If the court 4977
issues an order for the release of the vehicle and its license 4978
plates, a copy of the order shall be made available to the 4979
vehicle owner. If the vehicle owner presents a copy of the order 4980
to the law enforcement agency that employs the law enforcement 4981
officer who arrested the arrested person, the law enforcement 4982
agency promptly shall release the vehicle and its license plates 4983
to the vehicle owner upon payment by the vehicle owner of any 4984
expenses or charges incurred in the removal and storage of the 4985
vehicle. 4986

(5) A vehicle seized under division (B)(1) of this section 4987
either shall be towed to a place specified by the law 4988
enforcement agency that employs the arresting officer to be 4989
safely kept by the agency at that place for the time and in the 4990

manner specified in this section or shall be otherwise 4991
immobilized for the time and in the manner specified in this 4992
section. A law enforcement officer of that agency shall remove 4993
the identification license plates of the vehicle, and they shall 4994
be safely kept by the agency for the time and in the manner 4995
specified in this section. No vehicle that is seized and either 4996
towed or immobilized pursuant to this division shall be 4997
considered contraband for purposes of Chapter 2981. of the 4998
Revised Code. The vehicle shall not be immobilized at any place 4999
other than a commercially operated private storage lot, a place 5000
owned by a law enforcement agency or other government agency, or 5001
a place to which one of the following applies: 5002

(a) The place is leased by or otherwise under the control 5003
of a law enforcement agency or other government agency. 5004

(b) The place is owned by the vehicle operator, the 5005
vehicle operator's spouse, or a parent or child of the vehicle 5006
operator. 5007

(c) The place is owned by a private person or entity, and, 5008
prior to the immobilization, the private entity or person that 5009
owns the place, or the authorized agent of that private entity 5010
or person, has given express written consent for the 5011
immobilization to be carried out at that place. 5012

(d) The place is a street or highway on which the vehicle 5013
is parked in accordance with the law. 5014

(C) (1) A vehicle seized under division (B) of this section 5015
shall be safely kept at the place to which it is towed or 5016
otherwise moved by the law enforcement agency that employs the 5017
arresting officer until the initial appearance of the arrested 5018
person relative to the charge in question. The license plates of 5019

the vehicle that are removed pursuant to division (B) of this 5020
section shall be safely kept by the law enforcement agency that 5021
employs the arresting officer until the initial appearance of 5022
the arrested person relative to the charge in question. 5023

(2) (a) At the initial appearance or not less than seven 5024
days prior to the date of final disposition, the court shall 5025
notify the arrested person that, if title to a motor vehicle 5026
that is subject to an order for criminal forfeiture under this 5027
section is assigned or transferred and division (B) (2) or (3) of 5028
section 4503.234 of the Revised Code applies, the court may fine 5029
the arrested person the value of the vehicle. If, at the initial 5030
appearance, the arrested person pleads guilty to the violation 5031
of division (A) of section 4511.19 of the Revised Code or of the 5032
municipal OVI ordinance or pleads no contest to and is convicted 5033
of the violation, the court shall impose sentence upon the 5034
person as provided by law or ordinance; the court shall order 5035
the immobilization of the vehicle the arrested person was 5036
operating at the time of the offense if registered in the 5037
arrested person's name and the impoundment of its license plates 5038
under section 4503.233 and section 4511.19 or 4511.193 of the 5039
Revised Code or the criminal forfeiture to the state of the 5040
vehicle if registered in the arrested person's name under 5041
section 4503.234 and section 4511.19 or 4511.193 of the Revised 5042
Code, whichever is applicable; and the vehicle and its license 5043
plates shall not be returned or released to the arrested person. 5044

(b) If, at any time, the charge that the arrested person 5045
violated division (A) of section 4511.19 of the Revised Code or 5046
the municipal OVI ordinance is dismissed for any reason, the 5047
court shall order that the vehicle seized at the time of the 5048
arrest and its license plates immediately be released to the 5049
person. 5050

(D) If a vehicle and its license plates are seized under 5051
division (B) of this section and are not returned or released to 5052
the arrested person pursuant to division (C) of this section, 5053
the vehicle and its license plates shall be retained until the 5054
final disposition of the charge in question. Upon the final 5055
disposition of that charge, the court shall do whichever of the 5056
following is applicable: 5057

(1) If the arrested person is convicted of or pleads 5058
guilty to the violation of division (A) of section 4511.19 of 5059
the Revised Code or of the municipal OVI ordinance, the court 5060
shall impose sentence upon the person as provided by law or 5061
ordinance and shall order the immobilization of the vehicle the 5062
person was operating at the time of the offense if it is 5063
registered in the arrested person's name and the impoundment of 5064
its license plates under section 4503.233 and section 4511.19 or 5065
4511.193 of the Revised Code, or the criminal forfeiture of the 5066
vehicle if it is registered in the arrested person's name under 5067
section 4503.234 and section 4511.19 or 4511.193 of the Revised 5068
Code, whichever is applicable. 5069

(2) If the arrested person is found not guilty of the 5070
violation of division (A) of section 4511.19 of the Revised Code 5071
or of the municipal OVI ordinance, the court shall order that 5072
the vehicle and its license plates immediately be released to 5073
the arrested person. 5074

(3) If the charge that the arrested person violated 5075
division (A) of section 4511.19 of the Revised Code or the 5076
municipal OVI ordinance is dismissed for any reason, the court 5077
shall order that the vehicle and its license plates immediately 5078
be released to the arrested person. 5079

(4) If the impoundment of the vehicle was not authorized 5080

under this section, the court shall order that the vehicle and 5081
its license plates be returned immediately to the arrested 5082
person or, if the arrested person is not the vehicle owner, to 5083
the vehicle owner, and shall order that the state or political 5084
subdivision of the law enforcement agency served by the law 5085
enforcement officer who seized the vehicle pay all expenses and 5086
charges incurred in its removal and storage. 5087

(E) If a vehicle is seized under division (B) of this 5088
section, the time between the seizure of the vehicle and either 5089
its release to the arrested person under division (C) of this 5090
section or the issuance of an order of immobilization of the 5091
vehicle under section 4503.233 of the Revised Code shall be 5092
credited against the period of immobilization ordered by the 5093
court. 5094

(F) (1) Except as provided in division (D) (4) of this 5095
section, the arrested person may be charged expenses or charges 5096
incurred in the removal and storage of the immobilized vehicle. 5097
The court with jurisdiction over the case, after notice to all 5098
interested parties, including lienholders, and after an 5099
opportunity for them to be heard, if the court finds that the 5100
arrested person does not intend to seek release of the vehicle 5101
at the end of the period of immobilization under section 5102
4503.233 of the Revised Code or that the arrested person is not 5103
or will not be able to pay the expenses and charges incurred in 5104
its removal and storage, may order that title to the vehicle be 5105
transferred, in order of priority, first into the name of the 5106
person or entity that removed it, next into the name of a 5107
lienholder, or lastly into the name of the owner of the place of 5108
storage. 5109

Any lienholder that receives title under a court order 5110

shall do so on the condition that it pay any expenses or charges 5111
incurred in the vehicle's removal and storage. If the person or 5112
entity that receives title to the vehicle is the person or 5113
entity that removed it, the person or entity shall receive title 5114
on the condition that it pay any lien on the vehicle. The court 5115
shall not order that title be transferred to any person or 5116
entity other than the owner of the place of storage if the 5117
person or entity refuses to receive the title. Any person or 5118
entity that receives title either may keep title to the vehicle 5119
or may dispose of the vehicle in any legal manner that it 5120
considers appropriate, including assignment of the certificate 5121
of title to the motor vehicle to a salvage dealer or a scrap 5122
metal processing facility. The person or entity shall not 5123
transfer the vehicle to the person who is the vehicle's 5124
immediate previous owner. 5125

If the person or entity that receives title assigns the 5126
motor vehicle to a salvage dealer or scrap metal processing 5127
facility, the person or entity shall send the assigned 5128
certificate of title to the motor vehicle to the clerk of the 5129
court of common pleas of the county in which the salvage dealer 5130
or scrap metal processing facility is located. The person or 5131
entity shall mark the face of the certificate of title with the 5132
words "FOR DESTRUCTION" and shall deliver a photocopy of the 5133
certificate of title to the salvage dealer or scrap metal 5134
processing facility for its records. 5135

(2) Whenever a court issues an order under division (F)(1) 5136
of this section, the court also shall order removal of the 5137
license plates from the vehicle and cause them to be sent to the 5138
registrar of motor vehicles if they have not already been sent 5139
to the registrar. Thereafter, no further proceedings shall take 5140
place under this section or under section 4503.233 of the 5141

Revised Code. 5142

(3) Prior to initiating a proceeding under division (F) (1) 5143
of this section, and upon payment of the fee under division (B) 5144
of section 4505.14 of the Revised Code, any interested party may 5145
cause a search to be made of the public records of the bureau of 5146
motor vehicles or the clerk of the court of common pleas, to 5147
ascertain the identity of any lienholder of the vehicle. The 5148
initiating party shall furnish this information to the clerk of 5149
the court with jurisdiction over the case, and the clerk shall 5150
provide notice to the arrested person, any lienholder, and any 5151
other interested parties listed by the initiating party, at the 5152
last known address supplied by the initiating party, by 5153
certified mail or, at the option of the initiating party, by 5154
personal service or ordinary mail. 5155

Section 2. That existing sections 1547.99, 1905.01, 5156
2903.06, 2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 4505.11, 5157
4510.13, 4510.17, 4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 5158
4511.191, 4511.193, and 4511.195 of the Revised Code are hereby 5159
repealed. 5160

Section 3. The Director of Public Safety shall study the 5161
effect of this bill on the number of certified ignition 5162
interlock devices installed in this state, the number of drunk 5163
driving accidents and deaths, and the recidivism rate for OVI 5164
offenses. Not later than 48 months after the effective date of 5165
this bill, the Director shall issue a report on its findings to 5166
the Governor, the President of the Senate, the Minority Leader 5167
of the Senate, the Speaker of the House of Representatives, and 5168
the Minority Leader of the House of Representatives. 5169

Section 4. Section 4505.11 of the Revised Code is 5170
presented in this act as a composite of the section as amended 5171

by both Sub. H.B. 468 and Am. Sub. S.B. 274 of the 130th General 5172
Assembly. The General Assembly, applying the principle stated in 5173
division (B) of section 1.52 of the Revised Code that amendments 5174
are to be harmonized if reasonably capable of simultaneous 5175
operation, finds that the composite is the resulting version of 5176
the section in effect prior to the effective date of the section 5177
as presented in this act. 5178