

**As Reported by the House Judiciary Committee**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 436**

**Representatives Cupp, Rogers**

**Cosponsors: Representatives Amstutz, Arndt, Blessing, Celebrezze, Grossman,  
Johnson, G., Manning, O'Brien, S., Rezabek, Sheehy, Slaby, Sprague**

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**A BILL**

To amend section 4510.13 of the Revised Code to 1  
authorize a judge that grants limited driving 2  
privileges to a second-time OVI offender to 3  
order the termination of the mandatory 4  
immobilization order. 5

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

**Section 1.** That section 4510.13 of the Revised Code be 6  
amended to read as follows: 7

**Sec. 4510.13.** (A) (1) Divisions (A) (2) to (9) of this 8  
section apply to a judge or mayor regarding the suspension of, 9  
or the grant of limited driving privileges during a suspension 10  
of, an offender's driver's or commercial driver's license or 11  
permit or nonresident operating privilege imposed under division 12  
(G) or (H) of section 4511.19 of the Revised Code, under 13  
division (B) or (C) of section 4511.191 of the Revised Code, or 14  
under section 4510.07 of the Revised Code for a conviction of a 15  
violation of a municipal OVI ordinance. 16

(2) No judge or mayor shall suspend the following portions 17

of the suspension of an offender's driver's or commercial 18  
driver's license or permit or nonresident operating privilege 19  
imposed under division (G) or (H) of section 4511.19 of the 20  
Revised Code or under section 4510.07 of the Revised Code for a 21  
conviction of a violation of a municipal OVI ordinance, provided 22  
that division (A) (2) of this section does not limit a court or 23  
mayor in crediting any period of suspension imposed pursuant to 24  
division (B) or (C) of section 4511.191 of the Revised Code 25  
against any time of judicial suspension imposed pursuant to 26  
section 4511.19 or 4510.07 of the Revised Code, as described in 27  
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 28  
Code: 29

(a) The first six months of a suspension imposed under 30  
division (G) (1) (a) of section 4511.19 of the Revised Code or of 31  
a comparable length suspension imposed under section 4510.07 of 32  
the Revised Code; 33

(b) The first year of a suspension imposed under division 34  
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 35  
comparable length suspension imposed under section 4510.07 of 36  
the Revised Code; 37

(c) The first three years of a suspension imposed under 38  
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 39  
or of a comparable length suspension imposed under section 40  
4510.07 of the Revised Code; 41

(d) The first sixty days of a suspension imposed under 42  
division (H) of section 4511.19 of the Revised Code or of a 43  
comparable length suspension imposed under section 4510.07 of 44  
the Revised Code. 45

(3) No judge or mayor shall grant limited driving 46

privileges to an offender whose driver's or commercial driver's 47  
license or permit or nonresident operating privilege has been 48  
suspended under division (G) or (H) of section 4511.19 of the 49  
Revised Code, under division (C) of section 4511.191 of the 50  
Revised Code, or under section 4510.07 of the Revised Code for a 51  
municipal OVI conviction if the offender, within the preceding 52  
six years, has been convicted of or pleaded guilty to three or 53  
more violations of one or more of the Revised Code sections, 54  
municipal ordinances, statutes of the United States or another 55  
state, or municipal ordinances of a municipal corporation of 56  
another state that are identified in divisions (G) (2) (b) to (h) 57  
of section 2919.22 of the Revised Code. 58

Additionally, no judge or mayor shall grant limited 59  
driving privileges to an offender whose driver's or commercial 60  
driver's license or permit or nonresident operating privilege 61  
has been suspended under division (B) of section 4511.191 of the 62  
Revised Code if the offender, within the preceding six years, 63  
has refused three previous requests to consent to a chemical 64  
test of the person's whole blood, blood serum or plasma, breath, 65  
or urine to determine its alcohol content. 66

(4) No judge or mayor shall grant limited driving 67  
privileges for employment as a driver of commercial motor 68  
vehicles to an offender whose driver's or commercial driver's 69  
license or permit or nonresident operating privilege has been 70  
suspended under division (G) or (H) of section 4511.19 of the 71  
Revised Code, under division (B) or (C) of section 4511.191 of 72  
the Revised Code, or under section 4510.07 of the Revised Code 73  
for a municipal OVI conviction if the offender is disqualified 74  
from operating a commercial motor vehicle, or whose license or 75  
permit has been suspended, under section 3123.58 or 4506.16 of 76  
the Revised Code. 77

(5) No judge or mayor shall grant limited driving 78  
privileges to an offender whose driver's or commercial driver's 79  
license or permit or nonresident operating privilege has been 80  
suspended under division (G) or (H) of section 4511.19 of the 81  
Revised Code, under division (C) of section 4511.191 of the 82  
Revised Code, or under section 4510.07 of the Revised Code for a 83  
conviction of a violation of a municipal OVI ordinance during 84  
any of the following periods of time: 85

(a) The first fifteen days of a suspension imposed under 86  
division (G) (1) (a) of section 4511.19 of the Revised Code or a 87  
comparable length suspension imposed under section 4510.07 of 88  
the Revised Code, or of a suspension imposed under division (C) 89  
(1) (a) of section 4511.191 of the Revised Code. On or after the 90  
sixteenth day of the suspension, the court may grant limited 91  
driving privileges, but the court may require that the offender 92  
shall not exercise the privileges unless the vehicles the 93  
offender operates are equipped with immobilizing or disabling 94  
devices that monitor the offender's alcohol consumption or any 95  
other type of immobilizing or disabling devices, except as 96  
provided in division (C) of section 4510.43 of the Revised Code. 97

(b) The first forty-five days of a suspension imposed 98  
under division (C) (1) (b) of section 4511.191 of the Revised 99  
Code. On or after the forty-sixth day of suspension, the court 100  
may grant limited driving privileges, but the court may require 101  
that the offender shall not exercise the privileges unless the 102  
vehicles the offender operates are equipped with immobilizing or 103  
disabling devices that monitor the offender's alcohol 104  
consumption or any other type of immobilizing or disabling 105  
devices, except as provided in division (C) of section 4510.43 106  
of the Revised Code. 107

(c) The first sixty days of a suspension imposed under 108  
division (H) of section 4511.19 of the Revised Code or a 109  
comparable length suspension imposed under section 4510.07 of 110  
the Revised Code. 111

(d) The first one hundred eighty days of a suspension 112  
imposed under division (C) (1) (c) of section 4511.191 of the 113  
Revised Code. On or after the one hundred eighty-first day of 114  
suspension, the court may grant limited driving privileges, and 115  
either of the following applies: 116

(i) If the underlying arrest is alcohol-related, the court 117  
shall issue an order that, except as provided in division (C) of 118  
section 4510.43 of the Revised Code, for the remainder of the 119  
period of suspension the offender shall not exercise the 120  
privileges unless the vehicles the offender operates are 121  
equipped with a certified ignition interlock device. 122

(ii) If the underlying arrest is drug-related, the court 123  
in its discretion may issue an order that, except as provided in 124  
division (C) of section 4510.43 of the Revised Code, for the 125  
remainder of the period of suspension the offender shall not 126  
exercise the privileges unless the vehicles the offender 127  
operates are equipped with a certified ignition interlock 128  
device. 129

(e) The first forty-five days of a suspension imposed 130  
under division (G) (1) (b) of section 4511.19 of the Revised Code 131  
or a comparable length suspension imposed under section 4510.07 132  
of the Revised Code. On or after the forty-sixth day of the 133  
suspension, the court may grant limited driving privileges, and 134  
either of the following applies: 135

(i) If the underlying conviction is alcohol-related, the 136

court shall issue an order that, except as provided in division 137  
(C) of section 4510.43 of the Revised Code, for the remainder of 138  
the period of suspension the offender shall not exercise the 139  
privileges unless the vehicles the offender operates are 140  
equipped with a certified ignition interlock device. 141

(ii) If the underlying conviction is drug-related, the 142  
court in its discretion may issue an order that, except as 143  
provided in division (C) of section 4510.43 of the Revised Code, 144  
for the remainder of the period of suspension the offender shall 145  
not exercise the privileges unless the vehicles the offender 146  
operates are equipped with a certified ignition interlock 147  
device. 148

If a court grants limited driving privileges under 149  
division (A) (5) (e) of this section, the court may issue an order 150  
terminating an immobilization order issued pursuant to division 151  
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 152  
effect concurrently with the granting of limited driving 153  
privileges. The court shall send notice of the termination of 154  
the immobilization order to the registrar of motor vehicles. 155

Upon receiving information that an offender violated any 156  
condition imposed by the court at the time an immobilization 157  
order was terminated under this section, the court may hold a 158  
hearing and, in its discretion, issue an order reinstating the 159  
immobilization order for the balance of the immobilization 160  
period that remained when the court originally ordered the 161  
termination of the immobilization order. The court may issue the 162  
order only upon a showing of good cause that the offender 163  
violated any condition imposed by the court. The court shall 164  
send notice of the reinstatement of the immobilization order to 165  
the registrar. 166

(f) The first one hundred eighty days of a suspension 167  
imposed under division (G) (1) (c) of section 4511.19 of the 168  
Revised Code or a comparable length suspension imposed under 169  
section 4510.07 of the Revised Code. On or after the one hundred 170  
eighty-first day of the suspension, the court may grant limited 171  
driving privileges, and either of the following applies: 172

(i) If the underlying conviction is alcohol-related, the 173  
court shall issue an order that, except as provided in division 174  
(C) of section 4510.43 of the Revised Code, for the remainder of 175  
the period of suspension the offender shall not exercise the 176  
privileges unless the vehicles the offender operates are 177  
equipped with a certified ignition interlock device. 178

(ii) If the underlying conviction is drug-related, the 179  
court in its discretion may issue an order that, except as 180  
provided in division (C) of section 4510.43 of the Revised Code, 181  
for the remainder of the period of suspension the offender shall 182  
not exercise the privileges unless the vehicles the offender 183  
operates are equipped with a certified ignition interlock 184  
device. 185

(g) The first three years of a suspension imposed under 186  
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 187  
or a comparable length suspension imposed under section 4510.07 188  
of the Revised Code, or of a suspension imposed under division 189  
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 190  
the first three years of suspension, the court may grant limited 191  
driving privileges, and either of the following applies: 192

(i) If the underlying conviction is alcohol-related, the 193  
court shall issue an order that, except as provided in division 194  
(C) of section 4510.43 of the Revised Code, for the remainder of 195  
the period of suspension the offender shall not exercise the 196

privileges unless the vehicles the offender operates are 197  
equipped with a certified ignition interlock device. 198

(ii) If the underlying conviction is drug-related, the 199  
court in its discretion may issue an order that, except as 200  
provided in division (C) of section 4510.43 of the Revised Code, 201  
for the remainder of the period of suspension the offender shall 202  
not exercise the privileges unless the vehicles the offender 203  
operates are equipped with a certified ignition interlock 204  
device. 205

(6) No judge or mayor shall grant limited driving 206  
privileges to an offender whose driver's or commercial driver's 207  
license or permit or nonresident operating privilege has been 208  
suspended under division (B) of section 4511.191 of the Revised 209  
Code during any of the following periods of time: 210

(a) The first thirty days of suspension imposed under 211  
division (B) (1) (a) of section 4511.191 of the Revised Code; 212

(b) The first ninety days of suspension imposed under 213  
division (B) (1) (b) of section 4511.191 of the Revised Code; 214

(c) The first year of suspension imposed under division 215  
(B) (1) (c) of section 4511.191 of the Revised Code; 216

(d) The first three years of suspension imposed under 217  
division (B) (1) (d) of section 4511.191 of the Revised Code. 218

(7) In any case in which a judge or mayor grants limited 219  
driving privileges to an offender whose driver's or commercial 220  
driver's license or permit or nonresident operating privilege 221  
has been suspended under division (G) (1) (b), (c), (d), or (e) of 222  
section 4511.19 of the Revised Code, under division (G) (1) (a) of 223  
section 4511.19 of the Revised Code for a violation of division 224  
(A) (1) (f), (g), (h), or (i) of that section, or under section 225

4510.07 of the Revised Code for a municipal OVI conviction for 226  
which sentence would have been imposed under division (G) (1) (a) 227  
(ii) or (G) (1) (b), (c), (d), or (e) of section 4511.19 of the 228  
Revised Code had the offender been charged with and convicted of 229  
a violation of section 4511.19 of the Revised Code instead of a 230  
violation of the municipal OVI ordinance, the judge or mayor 231  
shall impose as a condition of the privileges that the offender 232  
must display on the vehicle that is driven subject to the 233  
privileges restricted license plates that are issued under 234  
section 4503.231 of the Revised Code, except as provided in 235  
division (B) of that section. 236

(8) In any case in which the offender operates a motor 237  
vehicle that is not equipped with an ignition interlock device, 238  
circumvents the device, or tampers with the device or in any 239  
case in which the court receives notice pursuant to section 240  
4510.46 of the Revised Code that a certified ignition interlock 241  
device required by an order issued under division (A) (5) (e), 242  
(f), or (g) of this section prevented an offender from starting 243  
a motor vehicle, the following applies: 244

(a) If the offender was sentenced under division (G) (1) (b) 245  
of section 4511.19 of the Revised Code, on a first instance the 246  
court may require the offender to wear a monitor that provides 247  
continuous alcohol monitoring that is remote. On a second 248  
instance, the court shall require the offender to wear a monitor 249  
that provides continuous alcohol monitoring that is remote for a 250  
minimum of forty days. On a third instance or more, the court 251  
shall require the offender to wear a monitor that provides 252  
continuous alcohol monitoring that is remote for a minimum of 253  
sixty days. 254

(b) If the offender was sentenced under division (G) (1) 255

(c), (d), or (e) of section 4511.19 of the Revised Code, on a 256  
first instance the court shall require the offender to wear a 257  
monitor that provides continuous alcohol monitoring that is 258  
remote for a minimum of forty days. On a second instance or 259  
more, the court shall require the offender to wear a monitor 260  
that provides continuous alcohol monitoring that is remote for a 261  
minimum of sixty days. 262

(9) In any case in which the court issues an order under 263  
this section prohibiting an offender from exercising limited 264  
driving privileges unless the vehicles the offender operates are 265  
equipped with an immobilizing or disabling device, including a 266  
certified ignition interlock device, or requires an offender to 267  
wear a monitor that provides continuous alcohol monitoring that 268  
is remote, the court shall impose an additional court cost of 269  
two dollars and fifty cents upon the offender. The court shall 270  
not waive the payment of the two dollars and fifty cents unless 271  
the court determines that the offender is indigent and waives 272  
the payment of all court costs imposed upon the indigent 273  
offender. The clerk of court shall transmit one hundred per cent 274  
of this mandatory court cost collected during a month on or 275  
before the twenty-third day of the following month to the state 276  
treasury to be credited to the state highway safety fund created 277  
under section 4501.06 of the Revised Code, to be used by the 278  
department of public safety to cover costs associated with 279  
maintaining the habitual OVI/OMWI offender registry created 280  
under section 5502.10 of the Revised Code. In its discretion the 281  
court may impose an additional court cost of two dollars and 282  
fifty cents upon the offender. The clerk of court shall retain 283  
this discretionary two dollar and fifty cent court cost, if 284  
imposed, and shall deposit it in the court's special projects 285  
fund that is established under division (E) (1) of section 286

2303.201, division (B) (1) of section 1901.26, or division (B) (1) 287  
of section 1907.24 of the Revised Code. 288

(10) In any case in which the court issues an order under 289  
this section prohibiting an offender from exercising limited 290  
driving privileges unless the vehicles the offender operates are 291  
equipped with an immobilizing or disabling device, including a 292  
certified ignition interlock device, the court shall notify the 293  
offender at the time the offender is granted limited driving 294  
privileges that, in accordance with section 4510.46 of the 295  
Revised Code, if the court receives notice that the device 296  
prevented the offender from starting the motor vehicle because 297  
the device was tampered with or circumvented or because the 298  
analysis of the deep-lung breath sample or other method employed 299  
by the device to measure the concentration by weight of alcohol 300  
in the offender's breath indicated the presence of alcohol in 301  
the offender's breath in a concentration sufficient to prevent 302  
the device from permitting the motor vehicle to be started, the 303  
court may increase the period of suspension of the offender's 304  
driver's or commercial driver's license or permit or nonresident 305  
operating privilege from that originally imposed by the court by 306  
a factor of two and may increase the period of time during which 307  
the offender will be prohibited from exercising any limited 308  
driving privileges granted to the offender unless the vehicles 309  
the offender operates are equipped with a certified ignition 310  
interlock device by a factor of two. 311

(B) Any person whose driver's or commercial driver's 312  
license or permit or nonresident operating privilege has been 313  
suspended pursuant to section 4511.19 or 4511.191 of the Revised 314  
Code or under section 4510.07 of the Revised Code for a 315  
violation of a municipal OVI ordinance may file a petition for 316  
limited driving privileges during the suspension. The person 317

shall file the petition in the court that has jurisdiction over 318  
the place of arrest. Subject to division (A) of this section, 319  
the court may grant the person limited driving privileges during 320  
the period during which the suspension otherwise would be 321  
imposed. However, the court shall not grant the privileges for 322  
employment as a driver of a commercial motor vehicle to any 323  
person who is disqualified from operating a commercial motor 324  
vehicle under section 4506.16 of the Revised Code or during any 325  
of the periods prescribed by division (A) of this section. 326

(C) (1) After a driver's or commercial driver's license or 327  
permit or nonresident operating privilege has been suspended 328  
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 329  
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 330  
4549.021, or 5743.99 of the Revised Code, any provision of 331  
Chapter 2925. of the Revised Code, or section 4510.07 of the 332  
Revised Code for a violation of a municipal OVI ordinance, the 333  
judge of the court or mayor of the mayor's court that suspended 334  
the license, permit, or privilege shall cause the offender to 335  
deliver to the court the license or permit. The judge, mayor, or 336  
clerk of the court or mayor's court shall forward to the 337  
registrar the license or permit together with notice of the 338  
action of the court. 339

(2) A suspension of a commercial driver's license under 340  
any section or chapter identified in division (C) (1) of this 341  
section shall be concurrent with any period of suspension or 342  
disqualification under section 3123.58 or 4506.16 of the Revised 343  
Code. No person who is disqualified for life from holding a 344  
commercial driver's license under section 4506.16 of the Revised 345  
Code shall be issued a driver's license under this chapter 346  
during the period for which the commercial driver's license was 347  
suspended under this section, and no person whose commercial 348

driver's license is suspended under any section or chapter 349  
identified in division (C) (1) of this section shall be issued a 350  
driver's license under Chapter 4507. of the Revised Code during 351  
the period of the suspension. 352

(3) No judge or mayor shall suspend any class one 353  
suspension, or any portion of any class one suspension, imposed 354  
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 355  
Revised Code. No judge or mayor shall suspend the first thirty 356  
days of any class two, class three, class four, class five, or 357  
class six suspension imposed under section 2903.06, 2903.08, 358  
2903.11, 2923.02, or 2929.02 of the Revised Code. 359

(D) The judge of the court or mayor of the mayor's court 360  
shall credit any time during which an offender was subject to an 361  
administrative suspension of the offender's driver's or 362  
commercial driver's license or permit or nonresident operating 363  
privilege imposed pursuant to section 4511.191 or 4511.192 of 364  
the Revised Code or a suspension imposed by a judge, referee, or 365  
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 366  
the Revised Code against the time to be served under a related 367  
suspension imposed pursuant to any section or chapter identified 368  
in division (C) (1) of this section. 369

(E) The judge or mayor shall notify the bureau of motor 370  
vehicles of any determinations made pursuant to this section and 371  
of any suspension imposed pursuant to any section or chapter 372  
identified in division (C) (1) of this section. 373

(F) (1) If a court issues an immobilizing or disabling 374  
device order under section 4510.43 of the Revised Code, the 375  
order shall authorize the offender during the specified period 376  
to operate a motor vehicle only if it is equipped with an 377  
immobilizing or disabling device, except as provided in division 378

(C) of that section. The court shall provide the offender with a 379  
copy of an immobilizing or disabling device order issued under 380  
section 4510.43 of the Revised Code, and the offender shall use 381  
the copy of the order in lieu of an Ohio driver's or commercial 382  
driver's license or permit until the registrar or a deputy 383  
registrar issues the offender a restricted license. 384

An order issued under section 4510.43 of the Revised Code 385  
does not authorize or permit the offender to whom it has been 386  
issued to operate a vehicle during any time that the offender's 387  
driver's or commercial driver's license or permit is suspended 388  
under any other provision of law. 389

(2) An offender may present an immobilizing or disabling 390  
device order to the registrar or to a deputy registrar. Upon 391  
presentation of the order to the registrar or a deputy 392  
registrar, the registrar or deputy registrar shall issue the 393  
offender a restricted license. A restricted license issued under 394  
this division shall be identical to an Ohio driver's license, 395  
except that it shall have printed on its face a statement that 396  
the offender is prohibited during the period specified in the 397  
court order from operating any motor vehicle that is not 398  
equipped with an immobilizing or disabling device. The date of 399  
commencement and the date of termination of the period of 400  
suspension shall be indicated conspicuously upon the face of the 401  
license. 402

**Section 2.** That existing section 4510.13 of the Revised 403  
Code is hereby repealed. 404