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Sub. H. B. No. 29

Representatives Humphrey, Brewer

Cosponsors: Representatives Brent, Abdullahi, Forhan, Miller, A., Russo, Williams, McNally, Abrams, Baker, Blackshear, Brennan, Brown, Carruthers, Click, Creech, Dell'Aquila, Denson, Dobos, Edwards, Grim, Hillyer, Isaacsohn, Johnson, Jones, Lightbody, Liston, Loychik, Mathews, Miller, J., Miller, K., Mohamed, Oelslager, Pavliga, Plummer, Seitz, Skindell, Somani, Stewart, Swearingen, Thomas, C., Upchurch, Weinstein

Senator Manning

A BILL

To amend sections 1901.44, 1905.202, 1907.25, 1
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 3
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 4
2925.37, 2935.26, 2935.27, 2937.40, 2947.09, 5
3123.54, 3123.56, 3123.58, 3321.13, 3321.191, 6
4501.06, 4503.10, 4503.102, 4503.12, 4503.20, 7
4503.39, 4507.212, 4509.101, 4509.45, 4509.66, 8
4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 9
4510.16, 4510.17, 4510.22, 4511.62, 4511.63, and 10
4511.64; to enact section 2929.33; and to repeal 11
sections 2937.221 and 4510.32 of the Revised 12
Code to make changes to the laws governing 13
driver's license suspensions and to the laws 14
governing penalties for failure to provide proof 15
of financial responsibility. 16

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

Section 1. That sections 1901.44, 1905.202, 1907.25, 17
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 18
2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 19
2925.36, 2925.37, 2935.26, 2935.27, 2937.40, 2947.09, 3123.54, 20
3123.56, 3123.58, 3321.13, 3321.191, 4501.06, 4503.10, 4503.102, 21
4503.12, 4503.20, 4503.39, 4507.212, 4509.101, 4509.45, 4509.66, 22
4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 4510.16, 4510.17, 23
4510.22, 4511.62, 4511.63, and 4511.64 be amended and section 24
2929.33 of the Revised Code be enacted to read as follows: 25

Sec. 1901.44. (A) (1) Notwithstanding any other provision 26
of the Revised Code, if at the time of sentencing or at any time 27
after sentencing a municipal court finds that a person who is 28
found guilty of an offense is unable to pay costs, the court may 29
order the offender to perform community service in lieu of 30
costs. 31

(2) Notwithstanding any other provision of the Revised 32
Code, if at the time of sentencing or at any time after 33
sentencing a municipal court finds that a person who is found 34
guilty of an offense will not be able to pay costs in full when 35
they are due, the court may order the offender to pay the costs 36
in installments according to a schedule set by the court. 37

(B) If a person is charged with an offense in municipal 38
court and ~~either fails to appear in court at the required time~~ 39
and place to answer the charge ~~or pleads guilty to or is found~~ 40
~~guilty of the offense and fails within the time allowed by the~~ 41
~~court to pay any fine or costs imposed by the court,~~ the court 42
may enter information relative to the person's failure to ~~pay~~ 43
~~any outstanding amount of the fine or costs~~ appear on a form 44
prescribed or approved by the registrar of motor vehicles 45
pursuant to division (C) of this section and send the form to 46

the registrar. Upon receipt of the form, the registrar shall 47
take any measures necessary to ensure that neither the registrar 48
nor any deputy registrar accepts any application for the 49
registration or transfer of registration of any motor vehicle 50
owned or leased by the person. However, for a motor vehicle 51
leased by the person, the registrar shall not implement this 52
requirement until the registrar adopts procedures for that 53
implementation under section 4503.39 of the Revised Code. 54

The period of denial relating to the issuance or transfer 55
of a certificate of registration for a motor vehicle imposed 56
under this section remains in effect until the person ~~pays any~~ 57
~~fine or costs imposed by the~~ appears in court relative to the 58
offense. ~~When the fine or costs have been paid in full, the~~ The 59
court shall inform the registrar of the ~~payment~~ appearance by 60
entering information relative to the ~~payment~~ appearance on a 61
~~notice of payment~~ form prescribed or approved by the registrar 62
pursuant to division (C) of this section and sending the form to 63
the registrar. 64

(C) The registrar shall prescribe and make available to 65
municipal courts forms to be used for a notice to the registrar 66
of failure to ~~pay fines or costs~~ appear and a notice to the 67
registrar of ~~payment of fines or costs~~ appearance under division 68
(B) of this section. The registrar may approve the use of other 69
forms for these purposes. 70

The registrar may require that any of the forms prescribed 71
or approved pursuant to this section be transmitted to the 72
registrar electronically. If the registrar requires electronic 73
transmission, the registrar shall not be required to give effect 74
to any form that is not transmitted electronically. 75

Sec. 1905.202. (A) (1) Notwithstanding any other provision 76

of the Revised Code, if at the time of sentencing or at any time 77
after sentencing a mayor's court finds that a person who is 78
found guilty of an offense is unable to pay costs, the court may 79
order the offender to perform community service in lieu of 80
costs. 81

(2) Notwithstanding any other provision of the Revised 82
Code, if at the time of sentencing or at any time after 83
sentencing a mayor's court finds that a person who is found 84
guilty of an offense will not be able to pay costs in full when 85
they are due, the court may order the offender to pay the costs 86
in installments according to a schedule set by the court. 87

(B) If a person is charged with an offense in mayor's 88
court and ~~either~~ fails to appear in court at the required time 89
and place to answer the charge ~~or pleads guilty to or is found~~ 90
~~guilty of the offense and fails within the time allowed by the~~ 91
~~court to pay any fine or costs imposed by the court,~~ the court 92
may enter information relative to the person's failure to ~~pay~~ 93
~~any outstanding amount of the fine or costs~~ appear on a form 94
prescribed or approved by the registrar of motor vehicles 95
pursuant to division (C) of this section and send the form to 96
the registrar. Upon receipt of the form, the registrar shall 97
take any measures necessary to ensure that neither the registrar 98
nor any deputy registrar accepts any application for the 99
registration or transfer of registration of any motor vehicle 100
owned or leased by the person. However, for a motor vehicle 101
leased by the person, the registrar shall not implement this 102
requirement until the registrar adopts procedures for that 103
implementation under section 4503.39 of the Revised Code. 104

The period of denial relating to the issuance or transfer 105
of a certificate of registration for a motor vehicle imposed 106

under this section remains in effect until the person ~~pays any~~ 107
~~fine or costs imposed by the~~ appears in court relative to the 108
offense. ~~When the fine or costs have been paid in full, the~~ The 109
court shall inform the registrar of the ~~payment appearance~~ by 110
entering information relative to the ~~payment appearance~~ on a 111
~~notice of payment~~ form prescribed or approved by the registrar 112
pursuant to division (C) of this section and sending the form to 113
the registrar. 114

(C) The registrar shall prescribe and make available to 115
mayor's courts forms to be used for a notice to the registrar of 116
failure to ~~pay fines or costs~~ appear and a notice to the 117
registrar of ~~payment of fines or costs~~ appearance under division 118
(B) of this section. The registrar may approve the use of other 119
forms for these purposes. 120

The registrar may require that any of the forms prescribed 121
or approved pursuant to this section be transmitted to the 122
registrar electronically. If the registrar requires electronic 123
transmission, the registrar shall not be required to give effect 124
to any form that is not transmitted electronically. 125

Sec. 1907.25. (A) (1) Notwithstanding any other provision 126
of the Revised Code, if at the time of sentencing or at any time 127
after sentencing a county court finds that a person who is found 128
guilty of an offense is unable to pay costs, the court may order 129
the offender to perform community service in lieu of costs. 130

(2) Notwithstanding any other provision of the Revised 131
Code, if at the time of sentencing or at any time after 132
sentencing a county court finds that a person who is found 133
guilty of an offense will not be able to pay costs in full when 134
they are due, the court may order the offender to pay the costs 135
in installments according to a schedule set by the court. 136

(B) If a person is charged with an offense in county court 137
and ~~either~~ fails to appear in court at the required time and 138
place to answer the charge ~~or pleads guilty to or is found~~ 139
~~guilty of the offense and fails within the time allowed by the~~ 140
~~court to pay any fine or costs imposed by the court,~~ the court 141
may enter information relative to the person's failure to ~~pay~~ 142
~~any outstanding amount of the fine or costs~~ appear on a form 143
prescribed or approved by the registrar of motor vehicles 144
pursuant to division (C) of this section and send the form to 145
the registrar. Upon receipt of the form, the registrar shall 146
take any measures necessary to ensure that neither the registrar 147
nor any deputy registrar accepts any application for the 148
registration or transfer of registration of any motor vehicle 149
owned or leased by the person. However, for a motor vehicle 150
leased by the person, the registrar shall not implement this 151
requirement until the registrar adopts procedures for that 152
implementation under section 4503.39 of the Revised Code. 153

The period of denial relating to the issuance or transfer 154
of a certificate of registration for a motor vehicle imposed 155
under this section remains in effect until the person ~~pays any~~ 156
~~fine or costs imposed by~~ appears in the court relative to the 157
offense. ~~When the fine or costs have been paid in full, the~~ The 158
court shall inform the registrar of the ~~payment~~ appearance by 159
entering information relative to the ~~payment~~ appearance on a 160
~~notice of payment~~ form prescribed or approved by the registrar 161
pursuant to division (C) of this section and sending the form to 162
the registrar. 163

(C) The registrar shall prescribe and make available to 164
county courts forms to be used for a notice to the registrar of 165
failure to ~~pay fines or costs~~ appear and a notice to the 166
registrar of ~~payment of fines or costs~~ appearance under division 167

(B) of this section. The registrar may approve the use of other forms for these purposes.

The registrar may require that any of the forms prescribed or approved pursuant to this section be transmitted to the registrar electronically. If the registrar requires electronic transmission, the registrar shall not be required to give effect to any form that is not transmitted electronically.

Sec. 2925.02. (A) No person shall knowingly do any of the following:

(1) By force, threat, or deception, administer to another or induce or cause another to use a controlled substance;

(2) By any means, administer or furnish to another or induce or cause another to use a controlled substance with purpose to cause serious physical harm to the other person, or with purpose to cause the other person to become a person with drug dependency;

(3) By any means, administer or furnish to another or induce or cause another to use a controlled substance, and thereby cause serious physical harm to the other person, or cause the other person to become a person with drug dependency;

(4) By any means, do any of the following:

(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;

(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that

regard;	196
(c) Induce or cause a juvenile who is at least two years	197
the offender's junior to commit a felony drug abuse offense,	198
when the offender knows the age of the juvenile or is reckless	199
in that regard;	200
(d) Use a juvenile, whether or not the offender knows the	201
age of the juvenile, to perform any surveillance activity that	202
is intended to prevent the detection of the offender or any	203
other person in the commission of a felony drug abuse offense or	204
to prevent the arrest of the offender or any other person for	205
the commission of a felony drug abuse offense.	206
(5) By any means, furnish or administer a controlled	207
substance to a pregnant woman or induce or cause a pregnant	208
woman to use a controlled substance, when the offender knows	209
that the woman is pregnant or is reckless in that regard.	210
(B) Division (A) (1), (3), (4), or (5) of this section does	211
not apply to manufacturers, wholesalers, licensed health	212
professionals authorized to prescribe drugs, pharmacists, owners	213
of pharmacies, and other persons whose conduct is in accordance	214
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	215
4741. of the Revised Code.	216
(C) Whoever violates this section is guilty of corrupting	217
another with drugs. The penalty for the offense shall be	218
determined as follows:	219
(1) If the offense is a violation of division (A) (1), (2),	220
(3), or (4) of this section and the drug involved is any	221
compound, mixture, preparation, or substance included in	222
schedule I or II, with the exception of marihuana, 1-Pentyl-3-	223
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-	224

morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C)(1)(b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the first degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a first degree felony mandatory prison term.

(2) If the offense is a violation of division (A)(1), (2), (3), or (4) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule III, IV, or V, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C)(2)(b) of this section, corrupting another with drugs committed in those circumstances is a felony of the second degree and there is a presumption for a prison term for the offense.

(b) If the offense was committed in the vicinity of a school, corrupting another with drugs committed in those circumstances is a felony of the second degree and the court shall impose as a mandatory prison term a second degree felony

mandatory prison term. 254

(3) If the offense is a violation of division (A) (1), (2), 255
(3), or (4) of this section and the drug involved is marihuana, 256
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 257
1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 258
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 259
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 260
offender shall be punished as follows: 261

(a) Except as otherwise provided in division (C) (3) (b) of 262
this section, corrupting another with drugs committed in those 263
circumstances is a felony of the fourth degree and division (C) 264
of section 2929.13 of the Revised Code applies in determining 265
whether to impose a prison term on the offender. 266

(b) If the offense was committed in the vicinity of a 267
school, corrupting another with drugs committed in those 268
circumstances is a felony of the third degree and division (C) 269
of section 2929.13 of the Revised Code applies in determining 270
whether to impose a prison term on the offender. 271

(4) If the offense is a violation of division (A) (5) of 272
this section and the drug involved is any compound, mixture, 273
preparation, or substance included in schedule I or II, with the 274
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 275
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 276
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 277
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 278
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 279
felony of the first degree and, subject to division (E) of this 280
section, the court shall impose as a mandatory prison term a 281
first degree felony mandatory prison term. 282

(5) If the offense is a violation of division (A) (5) of 283
this section and the drug involved is any compound, mixture, 284
preparation, or substance included in schedule III, IV, or V, 285
corrupting another with drugs is a felony of the second degree 286
and the court shall impose as a mandatory prison term a second 287
degree felony mandatory prison term. 288

(6) If the offense is a violation of division (A) (5) of 289
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 290
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 291
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 292
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 293
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 294
corrupting another with drugs is a felony of the third degree 295
and division (C) of section 2929.13 of the Revised Code applies 296
in determining whether to impose a prison term on the offender. 297

(D) In addition to any prison term authorized or required 298
by division (C) or (E) of this section and sections 2929.13 and 299
2929.14 of the Revised Code and in addition to any other 300
sanction imposed for the offense under this section or sections 301
2929.11 to 2929.18 of the Revised Code, the court that sentences 302
an offender who is convicted of or pleads guilty to a violation 303
of division (A) of this section ~~may suspend for not more than~~ 304
~~five years the offender's driver's or commercial driver's~~ 305
~~license or permit. However, if the offender pleaded guilty to or~~ 306
~~was convicted of a violation of section 4511.19 of the Revised~~ 307
~~Code or a substantially similar municipal ordinance or the law~~ 308
~~of another state or the United States arising out of the same~~ 309
~~set of circumstances as the violation, the court shall suspend~~ 310
~~the offender's driver's or commercial driver's license or permit~~ 311
~~for not more than five years. The court also shall do all of the~~ 312
following that are applicable regarding the offender: 313

(1) (a) If the violation is a felony of the first, second, 314
or third degree, the court shall impose upon the offender the 315
mandatory fine specified for the offense under division (B) (1) 316
of section 2929.18 of the Revised Code unless, as specified in 317
that division, the court determines that the offender is 318
indigent. 319

(b) Notwithstanding any contrary provision of section 320
3719.21 of the Revised Code, any mandatory fine imposed pursuant 321
to division (D) (1) (a) of this section and any fine imposed for a 322
violation of this section pursuant to division (A) of section 323
2929.18 of the Revised Code shall be paid by the clerk of the 324
court in accordance with and subject to the requirements of, and 325
shall be used as specified in, division (F) of section 2925.03 326
of the Revised Code. 327

(c) If a person is charged with any violation of this 328
section that is a felony of the first, second, or third degree, 329
posts bail, and forfeits the bail, the forfeited bail shall be 330
paid by the clerk of the court pursuant to division (D) (1) (b) of 331
this section as if it were a fine imposed for a violation of 332
this section. 333

(2) If the offender is a professionally licensed person, 334
in addition to any other sanction imposed for a violation of 335
this section, the court immediately shall comply with section 336
2925.38 of the Revised Code. 337

(3) If the offender has a driver's or commercial driver's 338
license or permit, section 2929.33 of the Revised Code applies. 339

(E) Notwithstanding the prison term otherwise authorized 340
or required for the offense under division (C) of this section 341
and sections 2929.13 and 2929.14 of the Revised Code, if the 342

violation of division (A) of this section involves the sale, 343
offer to sell, or possession of a schedule I or II controlled 344
substance, with the exception of marihuana, 1-Pentyl-3-(1- 345
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 346
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 347
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 348
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 349
if the court imposing sentence upon the offender finds that the 350
offender as a result of the violation is a major drug offender 351
and is guilty of a specification of the type described in 352
division (A) of section 2941.1410 of the Revised Code, the 353
court, in lieu of the prison term that otherwise is authorized 354
or required, shall impose upon the offender the mandatory prison 355
term specified in division (B) (3) (a) of section 2929.14 of the 356
Revised Code. 357

~~(F) (1) If the sentencing court suspends the offender's 358
driver's or commercial driver's license or permit under division 359
(D) of this section, the offender, at any time after the 360
expiration of two years from the day on which the offender's 361
sentence was imposed or from the day on which the offender 362
finally was released from a prison term under the sentence, 363
whichever is later, may file a motion with the sentencing court 364
requesting termination of the suspension. Upon the filing of the 365
motion and the court's finding of good cause for the 366
determination, the court may terminate the suspension. 367~~

~~(2)~~ (F) Any offender who received a mandatory suspension 368
of the offender's driver's or commercial driver's license or 369
permit under this section prior to September 13, 2016, may file 370
a motion with the sentencing court requesting the termination of 371
the suspension. However, an offender who pleaded guilty to or 372
was convicted of a violation of section 4511.19 of the Revised 373

Code or a substantially similar municipal ordinance or law of 374
another state or the United States that arose out of the same 375
set of circumstances as the violation for which the offender's 376
license or permit was suspended under this section shall not 377
file such a motion. 378

Upon the filing of a motion under division ~~(F)(2)~~ (F) of 379
this section, the sentencing court, in its discretion, may 380
terminate the suspension. 381

Sec. 2925.03. (A) No person shall knowingly do any of the 382
following: 383

(1) Sell or offer to sell a controlled substance or a 384
controlled substance analog; 385

(2) Prepare for shipment, ship, transport, deliver, 386
prepare for distribution, or distribute a controlled substance 387
or a controlled substance analog, when the offender knows or has 388
reasonable cause to believe that the controlled substance or a 389
controlled substance analog is intended for sale or resale by 390
the offender or another person. 391

(B) This section does not apply to any of the following: 392

(1) Manufacturers, licensed health professionals 393
authorized to prescribe drugs, pharmacists, owners of 394
pharmacies, and other persons whose conduct is in accordance 395
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 396
4741. of the Revised Code; 397

(2) If the offense involves an anabolic steroid, any 398
person who is conducting or participating in a research project 399
involving the use of an anabolic steroid if the project has been 400
approved by the United States food and drug administration; 401

(3) Any person who sells, offers for sale, prescribes, 402
dispenses, or administers for livestock or other nonhuman 403
species an anabolic steroid that is expressly intended for 404
administration through implants to livestock or other nonhuman 405
species and approved for that purpose under the "Federal Food, 406
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 407
as amended, and is sold, offered for sale, prescribed, 408
dispensed, or administered for that purpose in accordance with 409
that act. 410

(C) Whoever violates division (A) of this section is 411
guilty of one of the following: 412

(1) If the drug involved in the violation is any compound, 413
mixture, preparation, or substance included in schedule I or 414
schedule II, with the exception of marihuana, cocaine, L.S.D., 415
heroin, any fentanyl-related compound, hashish, and any 416
controlled substance analog, whoever violates division (A) of 417
this section is guilty of aggravated trafficking in drugs. The 418
penalty for the offense shall be determined as follows: 419

(a) Except as otherwise provided in division (C) (1) (b), 420
(c), (d), (e), or (f) of this section, aggravated trafficking in 421
drugs is a felony of the fourth degree, and division (C) of 422
section 2929.13 of the Revised Code applies in determining 423
whether to impose a prison term on the offender. 424

(b) Except as otherwise provided in division (C) (1) (c), 425
(d), (e), or (f) of this section, if the offense was committed 426
in the vicinity of a school, in the vicinity of a juvenile, or 427
in the vicinity of a substance addiction services provider or a 428
recovering addict, aggravated trafficking in drugs is a felony 429
of the third degree, and division (C) of section 2929.13 of the 430
Revised Code applies in determining whether to impose a prison 431

term on the offender. 432

(c) Except as otherwise provided in this division, if the 433
amount of the drug involved equals or exceeds the bulk amount 434
but is less than five times the bulk amount, aggravated 435
trafficking in drugs is a felony of the third degree, and, 436
except as otherwise provided in this division, there is a 437
presumption for a prison term for the offense. If aggravated 438
trafficking in drugs is a felony of the third degree under this 439
division and if the offender two or more times previously has 440
been convicted of or pleaded guilty to a felony drug abuse 441
offense, the court shall impose as a mandatory prison term one 442
of the prison terms prescribed for a felony of the third degree. 443
If the amount of the drug involved is within that range and if 444
the offense was committed in the vicinity of a school, in the 445
vicinity of a juvenile, or in the vicinity of a substance 446
addiction services provider or a recovering addict, aggravated 447
trafficking in drugs is a felony of the second degree, and the 448
court shall impose as a mandatory prison term a second degree 449
felony mandatory prison term. 450

(d) Except as otherwise provided in this division, if the 451
amount of the drug involved equals or exceeds five times the 452
bulk amount but is less than fifty times the bulk amount, 453
aggravated trafficking in drugs is a felony of the second 454
degree, and the court shall impose as a mandatory prison term a 455
second degree felony mandatory prison term. If the amount of the 456
drug involved is within that range and if the offense was 457
committed in the vicinity of a school, in the vicinity of a 458
juvenile, or in the vicinity of a substance addiction services 459
provider or a recovering addict, aggravated trafficking in drugs 460
is a felony of the first degree, and the court shall impose as a 461
mandatory prison term a first degree felony mandatory prison 462

term. 463

(e) If the amount of the drug involved equals or exceeds 464
fifty times the bulk amount but is less than one hundred times 465
the bulk amount and regardless of whether the offense was 466
committed in the vicinity of a school, in the vicinity of a 467
juvenile, or in the vicinity of a substance addiction services 468
provider or a recovering addict, aggravated trafficking in drugs 469
is a felony of the first degree, and the court shall impose as a 470
mandatory prison term a first degree felony mandatory prison 471
term. 472

(f) If the amount of the drug involved equals or exceeds 473
one hundred times the bulk amount and regardless of whether the 474
offense was committed in the vicinity of a school, in the 475
vicinity of a juvenile, or in the vicinity of a substance 476
addiction services provider or a recovering addict, aggravated 477
trafficking in drugs is a felony of the first degree, the 478
offender is a major drug offender, and the court shall impose as 479
a mandatory prison term a maximum first degree felony mandatory 480
prison term. 481

(2) If the drug involved in the violation is any compound, 482
mixture, preparation, or substance included in schedule III, IV, 483
or V, whoever violates division (A) of this section is guilty of 484
trafficking in drugs. The penalty for the offense shall be 485
determined as follows: 486

(a) Except as otherwise provided in division (C) (2) (b), 487
(c), (d), or (e) of this section, trafficking in drugs is a 488
felony of the fifth degree, and division (B) of section 2929.13 489
of the Revised Code applies in determining whether to impose a 490
prison term on the offender. 491

(b) Except as otherwise provided in division (C) (2) (c), 492
(d), or (e) of this section, if the offense was committed in the 493
vicinity of a school or in the vicinity of a juvenile, 494
trafficking in drugs is a felony of the fourth degree, and 495
division (C) of section 2929.13 of the Revised Code applies in 496
determining whether to impose a prison term on the offender. 497

(c) Except as otherwise provided in this division, if the 498
amount of the drug involved equals or exceeds the bulk amount 499
but is less than five times the bulk amount, trafficking in 500
drugs is a felony of the fourth degree, and division (B) of 501
section 2929.13 of the Revised Code applies in determining 502
whether to impose a prison term for the offense. If the amount 503
of the drug involved is within that range and if the offense was 504
committed in the vicinity of a school or in the vicinity of a 505
juvenile, trafficking in drugs is a felony of the third degree, 506
and there is a presumption for a prison term for the offense. 507

(d) Except as otherwise provided in this division, if the 508
amount of the drug involved equals or exceeds five times the 509
bulk amount but is less than fifty times the bulk amount, 510
trafficking in drugs is a felony of the third degree, and there 511
is a presumption for a prison term for the offense. If the 512
amount of the drug involved is within that range and if the 513
offense was committed in the vicinity of a school or in the 514
vicinity of a juvenile, trafficking in drugs is a felony of the 515
second degree, and there is a presumption for a prison term for 516
the offense. 517

(e) Except as otherwise provided in this division, if the 518
amount of the drug involved equals or exceeds fifty times the 519
bulk amount, trafficking in drugs is a felony of the second 520
degree, and the court shall impose as a mandatory prison term a 521

second degree felony mandatory prison term. If the amount of the 522
drug involved equals or exceeds fifty times the bulk amount and 523
if the offense was committed in the vicinity of a school or in 524
the vicinity of a juvenile, trafficking in drugs is a felony of 525
the first degree, and the court shall impose as a mandatory 526
prison term a first degree felony mandatory prison term. 527

(3) If the drug involved in the violation is marihuana or 528
a compound, mixture, preparation, or substance containing 529
marihuana other than hashish, whoever violates division (A) of 530
this section is guilty of trafficking in marihuana. The penalty 531
for the offense shall be determined as follows: 532

(a) Except as otherwise provided in division (C) (3) (b), 533
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 534
marihuana is a felony of the fifth degree, and division (B) of 535
section 2929.13 of the Revised Code applies in determining 536
whether to impose a prison term on the offender. 537

(b) Except as otherwise provided in division (C) (3) (c), 538
(d), (e), (f), (g), or (h) of this section, if the offense was 539
committed in the vicinity of a school or in the vicinity of a 540
juvenile, trafficking in marihuana is a felony of the fourth 541
degree, and division (B) of section 2929.13 of the Revised Code 542
applies in determining whether to impose a prison term on the 543
offender. 544

(c) Except as otherwise provided in this division, if the 545
amount of the drug involved equals or exceeds two hundred grams 546
but is less than one thousand grams, trafficking in marihuana is 547
a felony of the fourth degree, and division (B) of section 548
2929.13 of the Revised Code applies in determining whether to 549
impose a prison term on the offender. If the amount of the drug 550
involved is within that range and if the offense was committed 551

in the vicinity of a school or in the vicinity of a juvenile, 552
trafficking in marihuana is a felony of the third degree, and 553
division (C) of section 2929.13 of the Revised Code applies in 554
determining whether to impose a prison term on the offender. 555

(d) Except as otherwise provided in this division, if the 556
amount of the drug involved equals or exceeds one thousand grams 557
but is less than five thousand grams, trafficking in marihuana 558
is a felony of the third degree, and division (C) of section 559
2929.13 of the Revised Code applies in determining whether to 560
impose a prison term on the offender. If the amount of the drug 561
involved is within that range and if the offense was committed 562
in the vicinity of a school or in the vicinity of a juvenile, 563
trafficking in marihuana is a felony of the second degree, and 564
there is a presumption that a prison term shall be imposed for 565
the offense. 566

(e) Except as otherwise provided in this division, if the 567
amount of the drug involved equals or exceeds five thousand 568
grams but is less than twenty thousand grams, trafficking in 569
marihuana is a felony of the third degree, and there is a 570
presumption that a prison term shall be imposed for the offense. 571
If the amount of the drug involved is within that range and if 572
the offense was committed in the vicinity of a school or in the 573
vicinity of a juvenile, trafficking in marihuana is a felony of 574
the second degree, and there is a presumption that a prison term 575
shall be imposed for the offense. 576

(f) Except as otherwise provided in this division, if the 577
amount of the drug involved equals or exceeds twenty thousand 578
grams but is less than forty thousand grams, trafficking in 579
marihuana is a felony of the second degree, and the court shall 580
impose as a mandatory prison term a second degree felony 581

mandatory prison term of five, six, seven, or eight years. If 582
the amount of the drug involved is within that range and if the 583
offense was committed in the vicinity of a school or in the 584
vicinity of a juvenile, trafficking in marihuana is a felony of 585
the first degree, and the court shall impose as a mandatory 586
prison term a maximum first degree felony mandatory prison term. 587

(g) Except as otherwise provided in this division, if the 588
amount of the drug involved equals or exceeds forty thousand 589
grams, trafficking in marihuana is a felony of the second 590
degree, and the court shall impose as a mandatory prison term a 591
maximum second degree felony mandatory prison term. If the 592
amount of the drug involved equals or exceeds forty thousand 593
grams and if the offense was committed in the vicinity of a 594
school or in the vicinity of a juvenile, trafficking in 595
marihuana is a felony of the first degree, and the court shall 596
impose as a mandatory prison term a maximum first degree felony 597
mandatory prison term. 598

(h) Except as otherwise provided in this division, if the 599
offense involves a gift of twenty grams or less of marihuana, 600
trafficking in marihuana is a minor misdemeanor upon a first 601
offense and a misdemeanor of the third degree upon a subsequent 602
offense. If the offense involves a gift of twenty grams or less 603
of marihuana and if the offense was committed in the vicinity of 604
a school or in the vicinity of a juvenile, trafficking in 605
marihuana is a misdemeanor of the third degree. 606

(4) If the drug involved in the violation is cocaine or a 607
compound, mixture, preparation, or substance containing cocaine, 608
whoever violates division (A) of this section is guilty of 609
trafficking in cocaine. The penalty for the offense shall be 610
determined as follows: 611

(a) Except as otherwise provided in division (C) (4) (b), 612
(c), (d), (e), (f), or (g) of this section, trafficking in 613
cocaine is a felony of the fifth degree, and division (B) of 614
section 2929.13 of the Revised Code applies in determining 615
whether to impose a prison term on the offender. 616

(b) Except as otherwise provided in division (C) (4) (c), 617
(d), (e), (f), or (g) of this section, if the offense was 618
committed in the vicinity of a school, in the vicinity of a 619
juvenile, or in the vicinity of a substance addiction services 620
provider or a recovering addict, trafficking in cocaine is a 621
felony of the fourth degree, and division (C) of section 2929.13 622
of the Revised Code applies in determining whether to impose a 623
prison term on the offender. 624

(c) Except as otherwise provided in this division, if the 625
amount of the drug involved equals or exceeds five grams but is 626
less than ten grams of cocaine, trafficking in cocaine is a 627
felony of the fourth degree, and division (B) of section 2929.13 628
of the Revised Code applies in determining whether to impose a 629
prison term for the offense. If the amount of the drug involved 630
is within that range and if the offense was committed in the 631
vicinity of a school, in the vicinity of a juvenile, or in the 632
vicinity of a substance addiction services provider or a 633
recovering addict, trafficking in cocaine is a felony of the 634
third degree, and there is a presumption for a prison term for 635
the offense. 636

(d) Except as otherwise provided in this division, if the 637
amount of the drug involved equals or exceeds ten grams but is 638
less than twenty grams of cocaine, trafficking in cocaine is a 639
felony of the third degree, and, except as otherwise provided in 640
this division, there is a presumption for a prison term for the 641

offense. If trafficking in cocaine is a felony of the third 642
degree under this division and if the offender two or more times 643
previously has been convicted of or pleaded guilty to a felony 644
drug abuse offense, the court shall impose as a mandatory prison 645
term one of the prison terms prescribed for a felony of the 646
third degree. If the amount of the drug involved is within that 647
range and if the offense was committed in the vicinity of a 648
school, in the vicinity of a juvenile, or in the vicinity of a 649
substance addiction services provider or a recovering addict, 650
trafficking in cocaine is a felony of the second degree, and the 651
court shall impose as a mandatory prison term a second degree 652
felony mandatory prison term. 653

(e) Except as otherwise provided in this division, if the 654
amount of the drug involved equals or exceeds twenty grams but 655
is less than twenty-seven grams of cocaine, trafficking in 656
cocaine is a felony of the second degree, and the court shall 657
impose as a mandatory prison term a second degree felony 658
mandatory prison term. If the amount of the drug involved is 659
within that range and if the offense was committed in the 660
vicinity of a school, in the vicinity of a juvenile, or in the 661
vicinity of a substance addiction services provider or a 662
recovering addict, trafficking in cocaine is a felony of the 663
first degree, and the court shall impose as a mandatory prison 664
term a first degree felony mandatory prison term. 665

(f) If the amount of the drug involved equals or exceeds 666
twenty-seven grams but is less than one hundred grams of cocaine 667
and regardless of whether the offense was committed in the 668
vicinity of a school, in the vicinity of a juvenile, or in the 669
vicinity of a substance addiction services provider or a 670
recovering addict, trafficking in cocaine is a felony of the 671
first degree, and the court shall impose as a mandatory prison 672

term a first degree felony mandatory prison term. 673

(g) If the amount of the drug involved equals or exceeds 674
one hundred grams of cocaine and regardless of whether the 675
offense was committed in the vicinity of a school, in the 676
vicinity of a juvenile, or in the vicinity of a substance 677
addiction services provider or a recovering addict, trafficking 678
in cocaine is a felony of the first degree, the offender is a 679
major drug offender, and the court shall impose as a mandatory 680
prison term a maximum first degree felony mandatory prison term. 681

(5) If the drug involved in the violation is L.S.D. or a 682
compound, mixture, preparation, or substance containing L.S.D., 683
whoever violates division (A) of this section is guilty of 684
trafficking in L.S.D. The penalty for the offense shall be 685
determined as follows: 686

(a) Except as otherwise provided in division (C) (5) (b), 687
(c), (d), (e), (f), or (g) of this section, trafficking in 688
L.S.D. is a felony of the fifth degree, and division (B) of 689
section 2929.13 of the Revised Code applies in determining 690
whether to impose a prison term on the offender. 691

(b) Except as otherwise provided in division (C) (5) (c), 692
(d), (e), (f), or (g) of this section, if the offense was 693
committed in the vicinity of a school, in the vicinity of a 694
juvenile, or in the vicinity of a substance addiction services 695
provider or a recovering addict, trafficking in L.S.D. is a 696
felony of the fourth degree, and division (C) of section 2929.13 697
of the Revised Code applies in determining whether to impose a 698
prison term on the offender. 699

(c) Except as otherwise provided in this division, if the 700
amount of the drug involved equals or exceeds ten unit doses but 701

is less than fifty unit doses of L.S.D. in a solid form or 702
equals or exceeds one gram but is less than five grams of L.S.D. 703
in a liquid concentrate, liquid extract, or liquid distillate 704
form, trafficking in L.S.D. is a felony of the fourth degree, 705
and division (B) of section 2929.13 of the Revised Code applies 706
in determining whether to impose a prison term for the offense. 707
If the amount of the drug involved is within that range and if 708
the offense was committed in the vicinity of a school, in the 709
vicinity of a juvenile, or in the vicinity of a substance 710
addiction services provider or a recovering addict, trafficking 711
in L.S.D. is a felony of the third degree, and there is a 712
presumption for a prison term for the offense. 713

(d) Except as otherwise provided in this division, if the 714
amount of the drug involved equals or exceeds fifty unit doses 715
but is less than two hundred fifty unit doses of L.S.D. in a 716
solid form or equals or exceeds five grams but is less than 717
twenty-five grams of L.S.D. in a liquid concentrate, liquid 718
extract, or liquid distillate form, trafficking in L.S.D. is a 719
felony of the third degree, and, except as otherwise provided in 720
this division, there is a presumption for a prison term for the 721
offense. If trafficking in L.S.D. is a felony of the third 722
degree under this division and if the offender two or more times 723
previously has been convicted of or pleaded guilty to a felony 724
drug abuse offense, the court shall impose as a mandatory prison 725
term one of the prison terms prescribed for a felony of the 726
third degree. If the amount of the drug involved is within that 727
range and if the offense was committed in the vicinity of a 728
school, in the vicinity of a juvenile, or in the vicinity of a 729
substance addiction services provider or a recovering addict, 730
trafficking in L.S.D. is a felony of the second degree, and the 731
court shall impose as a mandatory prison term a second degree 732

felony mandatory prison term. 733

(e) Except as otherwise provided in this division, if the 734
amount of the drug involved equals or exceeds two hundred fifty 735
unit doses but is less than one thousand unit doses of L.S.D. in 736
a solid form or equals or exceeds twenty-five grams but is less 737
than one hundred grams of L.S.D. in a liquid concentrate, liquid 738
extract, or liquid distillate form, trafficking in L.S.D. is a 739
felony of the second degree, and the court shall impose as a 740
mandatory prison term a second degree felony mandatory prison 741
term. If the amount of the drug involved is within that range 742
and if the offense was committed in the vicinity of a school, in 743
the vicinity of a juvenile, or in the vicinity of a substance 744
addiction services provider or a recovering addict, trafficking 745
in L.S.D. is a felony of the first degree, and the court shall 746
impose as a mandatory prison term a first degree felony 747
mandatory prison term. 748

(f) If the amount of the drug involved equals or exceeds 749
one thousand unit doses but is less than five thousand unit 750
doses of L.S.D. in a solid form or equals or exceeds one hundred 751
grams but is less than five hundred grams of L.S.D. in a liquid 752
concentrate, liquid extract, or liquid distillate form and 753
regardless of whether the offense was committed in the vicinity 754
of a school, in the vicinity of a juvenile, or in the vicinity 755
of a substance addiction services provider or a recovering 756
addict, trafficking in L.S.D. is a felony of the first degree, 757
and the court shall impose as a mandatory prison term a first 758
degree felony mandatory prison term. 759

(g) If the amount of the drug involved equals or exceeds 760
five thousand unit doses of L.S.D. in a solid form or equals or 761
exceeds five hundred grams of L.S.D. in a liquid concentrate, 762

liquid extract, or liquid distillate form and regardless of 763
whether the offense was committed in the vicinity of a school, 764
in the vicinity of a juvenile, or in the vicinity of a substance 765
addiction services provider or a recovering addict, trafficking 766
in L.S.D. is a felony of the first degree, the offender is a 767
major drug offender, and the court shall impose as a mandatory 768
prison term a maximum first degree felony mandatory prison term. 769

(6) If the drug involved in the violation is heroin or a 770
compound, mixture, preparation, or substance containing heroin, 771
whoever violates division (A) of this section is guilty of 772
trafficking in heroin. The penalty for the offense shall be 773
determined as follows: 774

(a) Except as otherwise provided in division (C) (6) (b), 775
(c), (d), (e), (f), or (g) of this section, trafficking in 776
heroin is a felony of the fifth degree, and division (B) of 777
section 2929.13 of the Revised Code applies in determining 778
whether to impose a prison term on the offender. 779

(b) Except as otherwise provided in division (C) (6) (c), 780
(d), (e), (f), or (g) of this section, if the offense was 781
committed in the vicinity of a school, in the vicinity of a 782
juvenile, or in the vicinity of a substance addiction services 783
provider or a recovering addict, trafficking in heroin is a 784
felony of the fourth degree, and division (C) of section 2929.13 785
of the Revised Code applies in determining whether to impose a 786
prison term on the offender. 787

(c) Except as otherwise provided in this division, if the 788
amount of the drug involved equals or exceeds ten unit doses but 789
is less than fifty unit doses or equals or exceeds one gram but 790
is less than five grams, trafficking in heroin is a felony of 791
the fourth degree, and division (B) of section 2929.13 of the 792

Revised Code applies in determining whether to impose a prison 793
term for the offense. If the amount of the drug involved is 794
within that range and if the offense was committed in the 795
vicinity of a school, in the vicinity of a juvenile, or in the 796
vicinity of a substance addiction services provider or a 797
recovering addict, trafficking in heroin is a felony of the 798
third degree, and there is a presumption for a prison term for 799
the offense. 800

(d) Except as otherwise provided in this division, if the 801
amount of the drug involved equals or exceeds fifty unit doses 802
but is less than one hundred unit doses or equals or exceeds 803
five grams but is less than ten grams, trafficking in heroin is 804
a felony of the third degree, and there is a presumption for a 805
prison term for the offense. If the amount of the drug involved 806
is within that range and if the offense was committed in the 807
vicinity of a school, in the vicinity of a juvenile, or in the 808
vicinity of a substance addiction services provider or a 809
recovering addict, trafficking in heroin is a felony of the 810
second degree, and there is a presumption for a prison term for 811
the offense. 812

(e) Except as otherwise provided in this division, if the 813
amount of the drug involved equals or exceeds one hundred unit 814
doses but is less than five hundred unit doses or equals or 815
exceeds ten grams but is less than fifty grams, trafficking in 816
heroin is a felony of the second degree, and the court shall 817
impose as a mandatory prison term a second degree felony 818
mandatory prison term. If the amount of the drug involved is 819
within that range and if the offense was committed in the 820
vicinity of a school, in the vicinity of a juvenile, or in the 821
vicinity of a substance addiction services provider or a 822
recovering addict, trafficking in heroin is a felony of the 823

first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 824
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(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term a first degree felony mandatory prison term. 826
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(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams and regardless of whether the offense was committed in the vicinity of a school, in the vicinity of a juvenile, or in the vicinity of a substance addiction services provider or a recovering addict, trafficking in heroin is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term. 835
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(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of trafficking in hashish. The penalty for the offense shall be determined as follows: 844
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(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, trafficking in hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 849
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(b) Except as otherwise provided in division (C) (7) (c), 854
(d), (e), (f), or (g) of this section, if the offense was 855
committed in the vicinity of a school, in the vicinity of a 856
juvenile, or in the vicinity of a substance addiction services 857
provider or a recovering addict, trafficking in hashish is a 858
felony of the fourth degree, and division (B) of section 2929.13 859
of the Revised Code applies in determining whether to impose a 860
prison term on the offender. 861

(c) Except as otherwise provided in this division, if the 862
amount of the drug involved equals or exceeds ten grams but is 863
less than fifty grams of hashish in a solid form or equals or 864
exceeds two grams but is less than ten grams of hashish in a 865
liquid concentrate, liquid extract, or liquid distillate form, 866
trafficking in hashish is a felony of the fourth degree, and 867
division (B) of section 2929.13 of the Revised Code applies in 868
determining whether to impose a prison term on the offender. If 869
the amount of the drug involved is within that range and if the 870
offense was committed in the vicinity of a school, in the 871
vicinity of a juvenile, or in the vicinity of a substance 872
addiction services provider or a recovering addict, trafficking 873
in hashish is a felony of the third degree, and division (C) of 874
section 2929.13 of the Revised Code applies in determining 875
whether to impose a prison term on the offender. 876

(d) Except as otherwise provided in this division, if the 877
amount of the drug involved equals or exceeds fifty grams but is 878
less than two hundred fifty grams of hashish in a solid form or 879
equals or exceeds ten grams but is less than fifty grams of 880
hashish in a liquid concentrate, liquid extract, or liquid 881
distillate form, trafficking in hashish is a felony of the third 882
degree, and division (C) of section 2929.13 of the Revised Code 883
applies in determining whether to impose a prison term on the 884

offender. If the amount of the drug involved is within that 885
range and if the offense was committed in the vicinity of a 886
school, in the vicinity of a juvenile, or in the vicinity of a 887
substance addiction services provider or a recovering addict, 888
trafficking in hashish is a felony of the second degree, and 889
there is a presumption that a prison term shall be imposed for 890
the offense. 891

(e) Except as otherwise provided in this division, if the 892
amount of the drug involved equals or exceeds two hundred fifty 893
grams but is less than one thousand grams of hashish in a solid 894
form or equals or exceeds fifty grams but is less than two 895
hundred grams of hashish in a liquid concentrate, liquid 896
extract, or liquid distillate form, trafficking in hashish is a 897
felony of the third degree, and there is a presumption that a 898
prison term shall be imposed for the offense. If the amount of 899
the drug involved is within that range and if the offense was 900
committed in the vicinity of a school, in the vicinity of a 901
juvenile, or in the vicinity of a substance addiction services 902
provider or a recovering addict, trafficking in hashish is a 903
felony of the second degree, and there is a presumption that a 904
prison term shall be imposed for the offense. 905

(f) Except as otherwise provided in this division, if the 906
amount of the drug involved equals or exceeds one thousand grams 907
but is less than two thousand grams of hashish in a solid form 908
or equals or exceeds two hundred grams but is less than four 909
hundred grams of hashish in a liquid concentrate, liquid 910
extract, or liquid distillate form, trafficking in hashish is a 911
felony of the second degree, and the court shall impose as a 912
mandatory prison term a second degree felony mandatory prison 913
term of five, six, seven, or eight years. If the amount of the 914
drug involved is within that range and if the offense was 915

committed in the vicinity of a school, in the vicinity of a 916
juvenile, or in the vicinity of a substance addiction services 917
provider or a recovering addict, trafficking in hashish is a 918
felony of the first degree, and the court shall impose as a 919
mandatory prison term a maximum first degree felony mandatory 920
prison term. 921

(g) Except as otherwise provided in this division, if the 922
amount of the drug involved equals or exceeds two thousand grams 923
of hashish in a solid form or equals or exceeds four hundred 924
grams of hashish in a liquid concentrate, liquid extract, or 925
liquid distillate form, trafficking in hashish is a felony of 926
the second degree, and the court shall impose as a mandatory 927
prison term a maximum second degree felony mandatory prison 928
term. If the amount of the drug involved equals or exceeds two 929
thousand grams of hashish in a solid form or equals or exceeds 930
four hundred grams of hashish in a liquid concentrate, liquid 931
extract, or liquid distillate form and if the offense was 932
committed in the vicinity of a school, in the vicinity of a 933
juvenile, or in the vicinity of a substance addiction services 934
provider or a recovering addict, trafficking in hashish is a 935
felony of the first degree, and the court shall impose as a 936
mandatory prison term a maximum first degree felony mandatory 937
prison term. 938

(8) If the drug involved in the violation is a controlled 939
substance analog or compound, mixture, preparation, or substance 940
that contains a controlled substance analog, whoever violates 941
division (A) of this section is guilty of trafficking in a 942
controlled substance analog. The penalty for the offense shall 943
be determined as follows: 944

(a) Except as otherwise provided in division (C) (8) (b), 945

(c), (d), (e), (f), or (g) of this section, trafficking in a 946
controlled substance analog is a felony of the fifth degree, and 947
division (C) of section 2929.13 of the Revised Code applies in 948
determining whether to impose a prison term on the offender. 949

(b) Except as otherwise provided in division (C) (8) (c), 950
(d), (e), (f), or (g) of this section, if the offense was 951
committed in the vicinity of a school, in the vicinity of a 952
juvenile, or in the vicinity of a substance addiction services 953
provider or a recovering addict, trafficking in a controlled 954
substance analog is a felony of the fourth degree, and division 955
(C) of section 2929.13 of the Revised Code applies in 956
determining whether to impose a prison term on the offender. 957

(c) Except as otherwise provided in this division, if the 958
amount of the drug involved equals or exceeds ten grams but is 959
less than twenty grams, trafficking in a controlled substance 960
analog is a felony of the fourth degree, and division (B) of 961
section 2929.13 of the Revised Code applies in determining 962
whether to impose a prison term for the offense. If the amount 963
of the drug involved is within that range and if the offense was 964
committed in the vicinity of a school, in the vicinity of a 965
juvenile, or in the vicinity of a substance addiction services 966
provider or a recovering addict, trafficking in a controlled 967
substance analog is a felony of the third degree, and there is a 968
presumption for a prison term for the offense. 969

(d) Except as otherwise provided in this division, if the 970
amount of the drug involved equals or exceeds twenty grams but 971
is less than thirty grams, trafficking in a controlled substance 972
analog is a felony of the third degree, and there is a 973
presumption for a prison term for the offense. If the amount of 974
the drug involved is within that range and if the offense was 975

committed in the vicinity of a school, in the vicinity of a 976
juvenile, or in the vicinity of a substance addiction services 977
provider or a recovering addict, trafficking in a controlled 978
substance analog is a felony of the second degree, and there is 979
a presumption for a prison term for the offense. 980

(e) Except as otherwise provided in this division, if the 981
amount of the drug involved equals or exceeds thirty grams but 982
is less than forty grams, trafficking in a controlled substance 983
analog is a felony of the second degree, and the court shall 984
impose as a mandatory prison term a second degree felony 985
mandatory prison term. If the amount of the drug involved is 986
within that range and if the offense was committed in the 987
vicinity of a school, in the vicinity of a juvenile, or in the 988
vicinity of a substance addiction services provider or a 989
recovering addict, trafficking in a controlled substance analog 990
is a felony of the first degree, and the court shall impose as a 991
mandatory prison term a first degree felony mandatory prison 992
term. 993

(f) If the amount of the drug involved equals or exceeds 994
forty grams but is less than fifty grams and regardless of 995
whether the offense was committed in the vicinity of a school, 996
in the vicinity of a juvenile, or in the vicinity of a substance 997
addiction services provider or a recovering addict, trafficking 998
in a controlled substance analog is a felony of the first 999
degree, and the court shall impose as a mandatory prison term a 1000
first degree felony mandatory prison term. 1001

(g) If the amount of the drug involved equals or exceeds 1002
fifty grams and regardless of whether the offense was committed 1003
in the vicinity of a school, in the vicinity of a juvenile, or 1004
in the vicinity of a substance addiction services provider or a 1005

recovering addict, trafficking in a controlled substance analog 1006
is a felony of the first degree, the offender is a major drug 1007
offender, and the court shall impose as a mandatory prison term 1008
a maximum first degree felony mandatory prison term. 1009

(9) If the drug involved in the violation is a fentanyl- 1010
related compound or a compound, mixture, preparation, or 1011
substance containing a fentanyl-related compound and division 1012
(C) (10) (a) of this section does not apply to the drug involved, 1013
whoever violates division (A) of this section is guilty of 1014
trafficking in a fentanyl-related compound. The penalty for the 1015
offense shall be determined as follows: 1016

(a) Except as otherwise provided in division (C) (9) (b), 1017
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1018
a fentanyl-related compound is a felony of the fifth degree, and 1019
division (B) of section 2929.13 of the Revised Code applies in 1020
determining whether to impose a prison term on the offender. 1021

(b) Except as otherwise provided in division (C) (9) (c), 1022
(d), (e), (f), (g), or (h) of this section, if the offense was 1023
committed in the vicinity of a school, in the vicinity of a 1024
juvenile, or in the vicinity of a substance addiction services 1025
provider or a recovering addict, trafficking in a fentanyl- 1026
related compound is a felony of the fourth degree, and division 1027
(C) of section 2929.13 of the Revised Code applies in 1028
determining whether to impose a prison term on the offender. 1029

(c) Except as otherwise provided in this division, if the 1030
amount of the drug involved equals or exceeds ten unit doses but 1031
is less than fifty unit doses or equals or exceeds one gram but 1032
is less than five grams, trafficking in a fentanyl-related 1033
compound is a felony of the fourth degree, and division (B) of 1034
section 2929.13 of the Revised Code applies in determining 1035

whether to impose a prison term for the offense. If the amount 1036
of the drug involved is within that range and if the offense was 1037
committed in the vicinity of a school, in the vicinity of a 1038
juvenile, or in the vicinity of a substance addiction services 1039
provider or a recovering addict, trafficking in a fentanyl- 1040
related compound is a felony of the third degree, and there is a 1041
presumption for a prison term for the offense. 1042

(d) Except as otherwise provided in this division, if the 1043
amount of the drug involved equals or exceeds fifty unit doses 1044
but is less than one hundred unit doses or equals or exceeds 1045
five grams but is less than ten grams, trafficking in a 1046
fentanyl-related compound is a felony of the third degree, and 1047
there is a presumption for a prison term for the offense. If the 1048
amount of the drug involved is within that range and if the 1049
offense was committed in the vicinity of a school, in the 1050
vicinity of a juvenile, or in the vicinity of a substance 1051
addiction services provider or a recovering addict, trafficking 1052
in a fentanyl-related compound is a felony of the second degree, 1053
and there is a presumption for a prison term for the offense. 1054

(e) Except as otherwise provided in this division, if the 1055
amount of the drug involved equals or exceeds one hundred unit 1056
doses but is less than two hundred unit doses or equals or 1057
exceeds ten grams but is less than twenty grams, trafficking in 1058
a fentanyl-related compound is a felony of the second degree, 1059
and the court shall impose as a mandatory prison term one of the 1060
prison terms prescribed for a felony of the second degree. If 1061
the amount of the drug involved is within that range and if the 1062
offense was committed in the vicinity of a school, in the 1063
vicinity of a juvenile, or in the vicinity of a substance 1064
addiction services provider or a recovering addict, trafficking 1065
in a fentanyl-related compound is a felony of the first degree, 1066

and the court shall impose as a mandatory prison term one of the 1067
prison terms prescribed for a felony of the first degree. 1068

(f) If the amount of the drug involved equals or exceeds 1069
two hundred unit doses but is less than five hundred unit doses 1070
or equals or exceeds twenty grams but is less than fifty grams 1071
and regardless of whether the offense was committed in the 1072
vicinity of a school, in the vicinity of a juvenile, or in the 1073
vicinity of a substance addiction services provider or a 1074
recovering addict, trafficking in a fentanyl-related compound is 1075
a felony of the first degree, and the court shall impose as a 1076
mandatory prison term one of the prison terms prescribed for a 1077
felony of the first degree. 1078

(g) If the amount of the drug involved equals or exceeds 1079
five hundred unit doses but is less than one thousand unit doses 1080
or equals or exceeds fifty grams but is less than one hundred 1081
grams and regardless of whether the offense was committed in the 1082
vicinity of a school, in the vicinity of a juvenile, or in the 1083
vicinity of a substance addiction services provider or a 1084
recovering addict, trafficking in a fentanyl-related compound is 1085
a felony of the first degree, and the court shall impose as a 1086
mandatory prison term the maximum prison term prescribed for a 1087
felony of the first degree. 1088

(h) If the amount of the drug involved equals or exceeds 1089
one thousand unit doses or equals or exceeds one hundred grams 1090
and regardless of whether the offense was committed in the 1091
vicinity of a school, in the vicinity of a juvenile, or in the 1092
vicinity of a substance addiction services provider or a 1093
recovering addict, trafficking in a fentanyl-related compound is 1094
a felony of the first degree, the offender is a major drug 1095
offender, and the court shall impose as a mandatory prison term 1096

the maximum prison term prescribed for a felony of the first 1097
degree. 1098

(10) If the drug involved in the violation is a compound, 1099
mixture, preparation, or substance that is a combination of a 1100
fentanyl-related compound and marihuana, one of the following 1101
applies: 1102

(a) Except as otherwise provided in division (C)(10)(b) of 1103
this section, the offender is guilty of trafficking in marihuana 1104
and shall be punished under division (C)(3) of this section. The 1105
offender is not guilty of trafficking in a fentanyl-related 1106
compound and shall not be charged with, convicted of, or 1107
punished under division (C)(9) of this section for trafficking 1108
in a fentanyl-related compound. 1109

(b) If the offender knows or has reason to know that the 1110
compound, mixture, preparation, or substance that is the drug 1111
involved contains a fentanyl-related compound, the offender is 1112
guilty of trafficking in a fentanyl-related compound and shall 1113
be punished under division (C)(9) of this section. 1114

(D) In addition to any prison term authorized or required 1115
by division (C) of this section and sections 2929.13 and 2929.14 1116
of the Revised Code, and in addition to any other sanction 1117
imposed for the offense under this section or sections 2929.11 1118
to 2929.18 of the Revised Code, ~~the court that sentences an~~ 1119
~~offender who is convicted of or pleads guilty to a violation of~~ 1120
~~division (A) of this section may suspend the driver's or~~ 1121
~~commercial driver's license or permit of the offender in~~ 1122
~~accordance with division (G) of this section. However, if the~~ 1123
~~offender pleaded guilty to or was convicted of a violation of~~ 1124
~~section 4511.19 of the Revised Code or a substantially similar~~ 1125
~~municipal ordinance or the law of another state or the United~~ 1126

~~States arising out of the same set of circumstances as the~~ 1127
~~violation, the court shall suspend the offender's driver's or~~ 1128
~~commercial driver's license or permit in accordance with~~ 1129
~~division (C) of this section. If if applicable, the court also~~ 1130
shall do the following: 1131

(1) If the violation of division (A) of this section is a 1132
felony of the first, second, or third degree, the court shall 1133
impose upon the offender the mandatory fine specified for the 1134
offense under division (B) (1) of section 2929.18 of the Revised 1135
Code unless, as specified in that division, the court determines 1136
that the offender is indigent. Except as otherwise provided in 1137
division (H) (1) of this section, a mandatory fine or any other 1138
fine imposed for a violation of this section is subject to 1139
division (F) of this section. If a person is charged with a 1140
violation of this section that is a felony of the first, second, 1141
or third degree, posts bail, and forfeits the bail, the clerk of 1142
the court shall pay the forfeited bail pursuant to divisions (D) 1143
(1) and (F) of this section, as if the forfeited bail was a fine 1144
imposed for a violation of this section. If any amount of the 1145
forfeited bail remains after that payment and if a fine is 1146
imposed under division (H) (1) of this section, the clerk of the 1147
court shall pay the remaining amount of the forfeited bail 1148
pursuant to divisions (H) (2) and (3) of this section, as if that 1149
remaining amount was a fine imposed under division (H) (1) of 1150
this section. 1151

(2) If the offender is a professionally licensed person, 1152
the court immediately shall comply with section 2925.38 of the 1153
Revised Code. 1154

(3) If the offender has a driver's or commercial driver's 1155
license or permit, section 2929.33 of the Revised Code applies. 1156

(E) When a person is charged with the sale of or offer to 1157
sell a bulk amount or a multiple of a bulk amount of a 1158
controlled substance, the jury, or the court trying the accused, 1159
shall determine the amount of the controlled substance involved 1160
at the time of the offense and, if a guilty verdict is returned, 1161
shall return the findings as part of the verdict. In any such 1162
case, it is unnecessary to find and return the exact amount of 1163
the controlled substance involved, and it is sufficient if the 1164
finding and return is to the effect that the amount of the 1165
controlled substance involved is the requisite amount, or that 1166
the amount of the controlled substance involved is less than the 1167
requisite amount. 1168

(F) (1) Notwithstanding any contrary provision of section 1169
3719.21 of the Revised Code and except as provided in division 1170
(H) of this section, the clerk of the court shall pay any 1171
mandatory fine imposed pursuant to division (D) (1) of this 1172
section and any fine other than a mandatory fine that is imposed 1173
for a violation of this section pursuant to division (A) or (B) 1174
(5) of section 2929.18 of the Revised Code to the county, 1175
township, municipal corporation, park district, as created 1176
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1177
state law enforcement agencies in this state that primarily were 1178
responsible for or involved in making the arrest of, and in 1179
prosecuting, the offender. However, the clerk shall not pay a 1180
mandatory fine so imposed to a law enforcement agency unless the 1181
agency has adopted a written internal control policy under 1182
division (F) (2) of this section that addresses the use of the 1183
fine moneys that it receives. Each agency shall use the 1184
mandatory fines so paid to subsidize the agency's law 1185
enforcement efforts that pertain to drug offenses, in accordance 1186
with the written internal control policy adopted by the 1187

recipient agency under division (F) (2) of this section. 1188

(2) Prior to receiving any fine moneys under division (F) 1189
(1) of this section or division (B) of section 2925.42 of the 1190
Revised Code, a law enforcement agency shall adopt a written 1191
internal control policy that addresses the agency's use and 1192
disposition of all fine moneys so received and that provides for 1193
the keeping of detailed financial records of the receipts of 1194
those fine moneys, the general types of expenditures made out of 1195
those fine moneys, and the specific amount of each general type 1196
of expenditure. The policy shall not provide for or permit the 1197
identification of any specific expenditure that is made in an 1198
ongoing investigation. All financial records of the receipts of 1199
those fine moneys, the general types of expenditures made out of 1200
those fine moneys, and the specific amount of each general type 1201
of expenditure by an agency are public records open for 1202
inspection under section 149.43 of the Revised Code. 1203
Additionally, a written internal control policy adopted under 1204
this division is such a public record, and the agency that 1205
adopted it shall comply with it. 1206

(3) As used in division (F) of this section: 1207

(a) "Law enforcement agencies" includes, but is not 1208
limited to, the state board of pharmacy and the office of a 1209
prosecutor. 1210

(b) "Prosecutor" has the same meaning as in section 1211
2935.01 of the Revised Code. 1212

~~(G) (1) If the sentencing court suspends the offender's~~ 1213
~~driver's or commercial driver's license or permit under division~~ 1214
~~(D) of this section or any other provision of this chapter, the~~ 1215
~~court shall suspend the license, by order, for not more than~~ 1216

~~five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the day on which the offender's sentence was imposed or from the day on which the offender finally was released from a prison term under the sentence, whichever is later, may file a motion with the sentencing court requesting termination of the suspension; upon the filing of such a motion and the court's finding of good cause for the termination, the court may terminate the suspension.~~

~~(2)~~ (G) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division ~~(G) (2)~~ (G) of this section, the sentencing court, in its discretion, may terminate the suspension.

(H) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, in addition to any other penalty or sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, and in addition to the forfeiture of property in connection with the

offense as prescribed in Chapter 2981. of the Revised Code, the 1247
court that sentences an offender who is convicted of or pleads 1248
guilty to a violation of division (A) of this section may impose 1249
upon the offender an additional fine specified for the offense 1250
in division (B) (4) of section 2929.18 of the Revised Code. A 1251
fine imposed under division (H) (1) of this section is not 1252
subject to division (F) of this section and shall be used solely 1253
for the support of one or more eligible community addiction 1254
services providers in accordance with divisions (H) (2) and (3) 1255
of this section. 1256

(2) The court that imposes a fine under division (H) (1) of 1257
this section shall specify in the judgment that imposes the fine 1258
one or more eligible community addiction services providers for 1259
the support of which the fine money is to be used. No community 1260
addiction services provider shall receive or use money paid or 1261
collected in satisfaction of a fine imposed under division (H) 1262
(1) of this section unless the services provider is specified in 1263
the judgment that imposes the fine. No community addiction 1264
services provider shall be specified in the judgment unless the 1265
services provider is an eligible community addiction services 1266
provider and, except as otherwise provided in division (H) (2) of 1267
this section, unless the services provider is located in the 1268
county in which the court that imposes the fine is located or in 1269
a county that is immediately contiguous to the county in which 1270
that court is located. If no eligible community addiction 1271
services provider is located in any of those counties, the 1272
judgment may specify an eligible community addiction services 1273
provider that is located anywhere within this state. 1274

(3) Notwithstanding any contrary provision of section 1275
3719.21 of the Revised Code, the clerk of the court shall pay 1276
any fine imposed under division (H) (1) of this section to the 1277

eligible community addiction services provider specified 1278
pursuant to division (H) (2) of this section in the judgment. The 1279
eligible community addiction services provider that receives the 1280
fine moneys shall use the moneys only for the alcohol and drug 1281
addiction services identified in the application for 1282
certification of services under section 5119.36 of the Revised 1283
Code or in the application for a license under section 5119.37 1284
of the Revised Code filed with the department of mental health 1285
and addiction services by the community addiction services 1286
provider specified in the judgment. 1287

(4) Each community addiction services provider that 1288
receives in a calendar year any fine moneys under division (H) 1289
(3) of this section shall file an annual report covering that 1290
calendar year with the court of common pleas and the board of 1291
county commissioners of the county in which the services 1292
provider is located, with the court of common pleas and the 1293
board of county commissioners of each county from which the 1294
services provider received the moneys if that county is 1295
different from the county in which the services provider is 1296
located, and with the attorney general. The community addiction 1297
services provider shall file the report no later than the first 1298
day of March in the calendar year following the calendar year in 1299
which the services provider received the fine moneys. The report 1300
shall include statistics on the number of persons served by the 1301
community addiction services provider, identify the types of 1302
alcohol and drug addiction services provided to those persons, 1303
and include a specific accounting of the purposes for which the 1304
fine moneys received were used. No information contained in the 1305
report shall identify, or enable a person to determine the 1306
identity of, any person served by the community addiction 1307
services provider. Each report received by a court of common 1308

pleas, a board of county commissioners, or the attorney general 1309
is a public record open for inspection under section 149.43 of 1310
the Revised Code. 1311

(5) As used in divisions (H) (1) to (5) of this section: 1312

(a) "Community addiction services provider" and "alcohol 1313
and drug addiction services" have the same meanings as in 1314
section 5119.01 of the Revised Code. 1315

(b) "Eligible community addiction services provider" means 1316
a community addiction services provider, including a community 1317
addiction services provider that operates an opioid treatment 1318
program licensed under section 5119.37 of the Revised Code. 1319

(I) As used in this section, "drug" includes any substance 1320
that is represented to be a drug. 1321

(J) It is an affirmative defense to a charge of 1322
trafficking in a controlled substance analog under division (C) 1323
(8) of this section that the person charged with violating that 1324
offense sold or offered to sell, or prepared for shipment, 1325
shipped, transported, delivered, prepared for distribution, or 1326
distributed one of the following items that are excluded from 1327
the meaning of "controlled substance analog" under section 1328
3719.01 of the Revised Code: 1329

(1) A controlled substance; 1330

(2) Any substance for which there is an approved new drug 1331
application; 1332

(3) With respect to a particular person, any substance if 1333
an exemption is in effect for investigational use for that 1334
person pursuant to federal law to the extent that conduct with 1335
respect to that substance is pursuant to that exemption. 1336

Sec. 2925.04. (A) No person shall knowingly cultivate 1337
marihuana or knowingly manufacture or otherwise engage in any 1338
part of the production of a controlled substance. 1339

(B) This section does not apply to any person listed in 1340
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1341
Code to the extent and under the circumstances described in 1342
those divisions. 1343

(C)(1) Whoever commits a violation of division (A) of this 1344
section that involves any drug other than marihuana is guilty of 1345
illegal manufacture of drugs, and whoever commits a violation of 1346
division (A) of this section that involves marihuana is guilty 1347
of illegal cultivation of marihuana. 1348

(2) Except as otherwise provided in this division, if the 1349
drug involved in the violation of division (A) of this section 1350
is any compound, mixture, preparation, or substance included in 1351
schedule I or II, with the exception of methamphetamine or 1352
marihuana, illegal manufacture of drugs is a felony of the 1353
second degree, and, subject to division (E) of this section, the 1354
court shall impose as a mandatory prison term a second degree 1355
felony mandatory prison term. 1356

If the drug involved in the violation is any compound, 1357
mixture, preparation, or substance included in schedule I or II, 1358
with the exception of methamphetamine or marihuana, and if the 1359
offense was committed in the vicinity of a juvenile or in the 1360
vicinity of a school, illegal manufacture of drugs is a felony 1361
of the first degree, and, subject to division (E) of this 1362
section, the court shall impose as a mandatory prison term a 1363
first degree felony mandatory prison term. 1364

(3) If the drug involved in the violation of division (A) 1365

of this section is methamphetamine, the penalty for the 1366
violation shall be determined as follows: 1367

(a) Except as otherwise provided in division (C) (3) (b) of 1368
this section, if the drug involved in the violation is 1369
methamphetamine, illegal manufacture of drugs is a felony of the 1370
second degree, and, subject to division (E) of this section, the 1371
court shall impose a mandatory prison term on the offender 1372
determined in accordance with this division. Except as otherwise 1373
provided in this division, the court shall impose as a mandatory 1374
prison term a second degree felony mandatory prison term that is 1375
not less than three years. If the offender previously has been 1376
convicted of or pleaded guilty to a violation of division (A) of 1377
this section, a violation of division (B) (6) of section 2919.22 1378
of the Revised Code, or a violation of division (A) of section 1379
2925.041 of the Revised Code, the court shall impose as a 1380
mandatory prison term a second degree felony mandatory prison 1381
term that is not less than five years. 1382

(b) If the drug involved in the violation is 1383
methamphetamine and if the offense was committed in the vicinity 1384
of a juvenile, in the vicinity of a school, or on public 1385
premises, illegal manufacture of drugs is a felony of the first 1386
degree, and, subject to division (E) of this section, the court 1387
shall impose a mandatory prison term on the offender determined 1388
in accordance with this division. Except as otherwise provided 1389
in this division, the court shall impose as a mandatory prison 1390
term a first degree felony mandatory prison term that is not 1391
less than four years. If the offender previously has been 1392
convicted of or pleaded guilty to a violation of division (A) of 1393
this section, a violation of division (B) (6) of section 2919.22 1394
of the Revised Code, or a violation of division (A) of section 1395
2925.041 of the Revised Code, the court shall impose as a 1396

mandatory prison term a first degree felony mandatory prison 1397
term that is not less than five years. 1398

(4) If the drug involved in the violation of division (A) 1399
of this section is any compound, mixture, preparation, or 1400
substance included in schedule III, IV, or V, illegal 1401
manufacture of drugs is a felony of the third degree or, if the 1402
offense was committed in the vicinity of a school or in the 1403
vicinity of a juvenile, a felony of the second degree, and there 1404
is a presumption for a prison term for the offense. 1405

(5) If the drug involved in the violation is marihuana, 1406
the penalty for the offense shall be determined as follows: 1407

(a) Except as otherwise provided in division (C) (5) (b), 1408
(c), (d), (e), or (f) of this section, illegal cultivation of 1409
marihuana is a minor misdemeanor or, if the offense was 1410
committed in the vicinity of a school or in the vicinity of a 1411
juvenile, a misdemeanor of the fourth degree. 1412

(b) If the amount of marihuana involved equals or exceeds 1413
one hundred grams but is less than two hundred grams, illegal 1414
cultivation of marihuana is a misdemeanor of the fourth degree 1415
or, if the offense was committed in the vicinity of a school or 1416
in the vicinity of a juvenile, a misdemeanor of the third 1417
degree. 1418

(c) If the amount of marihuana involved equals or exceeds 1419
two hundred grams but is less than one thousand grams, illegal 1420
cultivation of marihuana is a felony of the fifth degree or, if 1421
the offense was committed in the vicinity of a school or in the 1422
vicinity of a juvenile, a felony of the fourth degree, and 1423
division (B) of section 2929.13 of the Revised Code applies in 1424
determining whether to impose a prison term on the offender. 1425

(d) If the amount of marihuana involved equals or exceeds 1426
one thousand grams but is less than five thousand grams, illegal 1427
cultivation of marihuana is a felony of the third degree or, if 1428
the offense was committed in the vicinity of a school or in the 1429
vicinity of a juvenile, a felony of the second degree, and 1430
division (C) of section 2929.13 of the Revised Code applies in 1431
determining whether to impose a prison term on the offender. 1432

(e) If the amount of marihuana involved equals or exceeds 1433
five thousand grams but is less than twenty thousand grams, 1434
illegal cultivation of marihuana is a felony of the third degree 1435
or, if the offense was committed in the vicinity of a school or 1436
in the vicinity of a juvenile, a felony of the second degree, 1437
and there is a presumption for a prison term for the offense. 1438

(f) Except as otherwise provided in this division, if the 1439
amount of marihuana involved equals or exceeds twenty thousand 1440
grams, illegal cultivation of marihuana is a felony of the 1441
second degree, and the court shall impose as a mandatory prison 1442
term a maximum second degree felony mandatory prison term. If 1443
the amount of the drug involved equals or exceeds twenty 1444
thousand grams and if the offense was committed in the vicinity 1445
of a school or in the vicinity of a juvenile, illegal 1446
cultivation of marihuana is a felony of the first degree, and 1447
the court shall impose as a mandatory prison term a maximum 1448
first degree felony mandatory prison term. 1449

(D) In addition to any prison term authorized or required 1450
by division (C) or (E) of this section and sections 2929.13 and 1451
2929.14 of the Revised Code and in addition to any other 1452
sanction imposed for the offense under this section or sections 1453
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 1454
~~an offender who is convicted of or pleads guilty to a violation~~ 1455

~~of division (A) of this section may suspend the offender's~~ 1456
~~driver's or commercial driver's license or permit in accordance~~ 1457
~~with division (G) of section 2925.03 of the Revised Code.~~ 1458
~~However, if the offender pleaded guilty to or was convicted of a~~ 1459
~~violation of section 4511.19 of the Revised Code or a~~ 1460
~~substantially similar municipal ordinance or the law of another~~ 1461
~~state or the United States arising out of the same set of~~ 1462
~~circumstances as the violation, the court shall suspend the~~ 1463
~~offender's driver's or commercial driver's license or permit in~~ 1464
~~accordance with division (G) of section 2925.03 of the Revised~~ 1465
~~Code. If applicable, the court also shall do the following:~~ 1466

(1) If the violation of division (A) of this section is a 1467
felony of the first, second, or third degree, the court shall 1468
impose upon the offender the mandatory fine specified for the 1469
offense under division (B) (1) of section 2929.18 of the Revised 1470
Code unless, as specified in that division, the court determines 1471
that the offender is indigent. The clerk of the court shall pay 1472
a mandatory fine or other fine imposed for a violation of this 1473
section pursuant to division (A) of section 2929.18 of the 1474
Revised Code in accordance with and subject to the requirements 1475
of division (F) of section 2925.03 of the Revised Code. The 1476
agency that receives the fine shall use the fine as specified in 1477
division (F) of section 2925.03 of the Revised Code. If a person 1478
is charged with a violation of this section that is a felony of 1479
the first, second, or third degree, posts bail, and forfeits the 1480
bail, the clerk shall pay the forfeited bail as if the forfeited 1481
bail were a fine imposed for a violation of this section. 1482

(2) If the offender is a professionally licensed person, 1483
the court immediately shall comply with section 2925.38 of the 1484
Revised Code. 1485

(3) If the offender has a driver's or commercial driver's 1486
license or permit, section 2929.33 of the Revised Code applies. 1487

(E) Notwithstanding the prison term otherwise authorized 1488
or required for the offense under division (C) of this section 1489
and sections 2929.13 and 2929.14 of the Revised Code, if the 1490
violation of division (A) of this section involves the sale, 1491
offer to sell, or possession of a schedule I or II controlled 1492
substance, with the exception of marihuana, and if the court 1493
imposing sentence upon the offender finds that the offender as a 1494
result of the violation is a major drug offender and is guilty 1495
of a specification of the type described in division (A) of 1496
section 2941.1410 of the Revised Code, the court, in lieu of the 1497
prison term otherwise authorized or required, shall impose upon 1498
the offender the mandatory prison term specified in division (B) 1499
(3) of section 2929.14 of the Revised Code. 1500

(F) It is an affirmative defense, as provided in section 1501
2901.05 of the Revised Code, to a charge under this section for 1502
a fifth degree felony violation of illegal cultivation of 1503
marihuana that the marihuana that gave rise to the charge is in 1504
an amount, is in a form, is prepared, compounded, or mixed with 1505
substances that are not controlled substances in a manner, or is 1506
possessed or cultivated under any other circumstances that 1507
indicate that the marihuana was solely for personal use. 1508

Notwithstanding any contrary provision of division (F) of 1509
this section, if, in accordance with section 2901.05 of the 1510
Revised Code, a person who is charged with a violation of 1511
illegal cultivation of marihuana that is a felony of the fifth 1512
degree sustains the burden of going forward with evidence of and 1513
establishes by a preponderance of the evidence the affirmative 1514
defense described in this division, the person may be prosecuted 1515

for and may be convicted of or plead guilty to a misdemeanor 1516
violation of illegal cultivation of marihuana. 1517

(G) Arrest or conviction for a minor misdemeanor violation 1518
of this section does not constitute a criminal record and need 1519
not be reported by the person so arrested or convicted in 1520
response to any inquiries about the person's criminal record, 1521
including any inquiries contained in an application for 1522
employment, a license, or any other right or privilege or made 1523
in connection with the person's appearance as a witness. 1524

~~(H) (1) If the sentencing court suspends the offender's 1525
driver's or commercial driver's license or permit under this 1526
section in accordance with division (G) of section 2925.03 of 1527
the Revised Code, the offender may request termination of, and 1528
the court may terminate, the suspension of the offender in 1529
accordance with that division. 1530~~

~~(2)~~ (H) Any offender who received a mandatory suspension 1531
of the offender's driver's or commercial driver's license or 1532
permit under this section prior to September 13, 2016, may file 1533
a motion with the sentencing court requesting the termination of 1534
the suspension. However, an offender who pleaded guilty to or 1535
was convicted of a violation of section 4511.19 of the Revised 1536
Code or a substantially similar municipal ordinance or law of 1537
another state or the United States that arose out of the same 1538
set of circumstances as the violation for which the offender's 1539
license or permit was suspended under this section shall not 1540
file such a motion. 1541

Upon the filing of a motion under division ~~(H) (2)~~ (H) of 1542
this section, the sentencing court, in its discretion, may 1543
terminate the suspension. 1544

Sec. 2925.041. (A) No person shall knowingly assemble or 1545
possess one or more chemicals that may be used to manufacture a 1546
controlled substance in schedule I or II with the intent to 1547
manufacture a controlled substance in schedule I or II in 1548
violation of section 2925.04 of the Revised Code. 1549

(B) In a prosecution under this section, it is not 1550
necessary to allege or prove that the offender assembled or 1551
possessed all chemicals necessary to manufacture a controlled 1552
substance in schedule I or II. The assembly or possession of a 1553
single chemical that may be used in the manufacture of a 1554
controlled substance in schedule I or II, with the intent to 1555
manufacture a controlled substance in either schedule, is 1556
sufficient to violate this section. 1557

(C) Whoever violates this section is guilty of illegal 1558
assembly or possession of chemicals for the manufacture of 1559
drugs. Except as otherwise provided in this division, illegal 1560
assembly or possession of chemicals for the manufacture of drugs 1561
is a felony of the third degree, and, except as otherwise 1562
provided in division (C)(1) or (2) of this section, division (C) 1563
of section 2929.13 of the Revised Code applies in determining 1564
whether to impose a prison term on the offender. If the offense 1565
was committed in the vicinity of a juvenile or in the vicinity 1566
of a school, illegal assembly or possession of chemicals for the 1567
manufacture of drugs is a felony of the second degree, and, 1568
except as otherwise provided in division (C)(1) or (2) of this 1569
section, division (C) of section 2929.13 of the Revised Code 1570
applies in determining whether to impose a prison term on the 1571
offender. If the violation of division (A) of this section is a 1572
felony of the third degree under this division and if the 1573
chemical or chemicals assembled or possessed in violation of 1574
division (A) of this section may be used to manufacture 1575

methamphetamine, there either is a presumption for a prison term 1576
for the offense or the court shall impose a mandatory prison 1577
term on the offender, determined as follows: 1578

(1) Except as otherwise provided in this division, there 1579
is a presumption for a prison term for the offense. If the 1580
offender two or more times previously has been convicted of or 1581
pleaded guilty to a felony drug abuse offense, except as 1582
otherwise provided in this division, the court shall impose as a 1583
mandatory prison term one of the prison terms prescribed for a 1584
felony of the third degree that is not less than two years. If 1585
the offender two or more times previously has been convicted of 1586
or pleaded guilty to a felony drug abuse offense and if at least 1587
one of those previous convictions or guilty pleas was to a 1588
violation of division (A) of this section, a violation of 1589
division (B) (6) of section 2919.22 of the Revised Code, or a 1590
violation of division (A) of section 2925.04 of the Revised 1591
Code, the court shall impose as a mandatory prison term one of 1592
the prison terms prescribed for a felony of the third degree 1593
that is not less than five years. 1594

(2) If the violation of division (A) of this section is a 1595
felony of the second degree under division (C) of this section 1596
and the chemical or chemicals assembled or possessed in 1597
committing the violation may be used to manufacture 1598
methamphetamine, the court shall impose as a mandatory prison 1599
term a second degree felony mandatory prison term that is not 1600
less than three years. If the violation of division (A) of this 1601
section is a felony of the second degree under division (C) of 1602
this section, if the chemical or chemicals assembled or 1603
possessed in committing the violation may be used to manufacture 1604
methamphetamine, and if the offender previously has been 1605
convicted of or pleaded guilty to a violation of division (A) of 1606

this section, a violation of division (B) (6) of section 2919.22 1607
of the Revised Code, or a violation of division (A) of section 1608
2925.04 of the Revised Code, the court shall impose as a 1609
mandatory prison term a second degree felony mandatory prison 1610
term that is not less than five years. 1611

(D) In addition to any prison term authorized by division 1612
(C) of this section and sections 2929.13 and 2929.14 of the 1613
Revised Code and in addition to any other sanction imposed for 1614
the offense under this section or sections 2929.11 to 2929.18 of 1615
the Revised Code, ~~the court that sentences an offender who is~~ 1616
~~convicted of or pleads guilty to a violation of this section may~~ 1617
~~suspend the offender's driver's or commercial driver's license~~ 1618
~~or permit in accordance with division (G) of section 2925.03 of~~ 1619
~~the Revised Code. However, if the offender pleaded guilty to or~~ 1620
~~was convicted of a violation of section 4511.19 of the Revised~~ 1621
~~Code or a substantially similar municipal ordinance or the law~~ 1622
~~of another state or the United States arising out of the same~~ 1623
~~set of circumstances as the violation, the court shall suspend~~ 1624
~~the offender's driver's or commercial driver's license or permit~~ 1625
~~in accordance with division (G) of section 2925.03 of the~~ 1626
Revised Code. ~~If~~ if applicable, the court also shall do the 1627
following: 1628

(1) The court shall impose upon the offender the mandatory 1629
fine specified for the offense under division (B) (1) of section 1630
2929.18 of the Revised Code unless, as specified in that 1631
division, the court determines that the offender is indigent. 1632
The clerk of the court shall pay a mandatory fine or other fine 1633
imposed for a violation of this section under division (A) of 1634
section 2929.18 of the Revised Code in accordance with and 1635
subject to the requirements of division (F) of section 2925.03 1636
of the Revised Code. The agency that receives the fine shall use 1637

the fine as specified in division (F) of section 2925.03 of the Revised Code. If a person charged with a violation of this section posts bail and forfeits the bail, the clerk shall pay the forfeited bail as if the forfeited bail were a fine imposed for a violation of this section.

(2) If the offender is a professionally licensed person or a person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules, the court shall comply with section 2925.38 of the Revised Code.

(3) If the offender has a driver's or commercial driver's license or permit, section 2929.33 of the Revised Code applies.

~~(E) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under this section in accordance with division (G) of section 2925.03 of the Revised Code, the offender may request termination of, and the court may terminate, the suspension of the offender in accordance with that division.~~

~~(2)~~ (E) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division ~~(E) (2)~~ (E) of 1667
this section, the sentencing court, in its discretion, may 1668
terminate the suspension. 1669

Sec. 2925.05. (A) No person shall knowingly provide money 1670
or other items of value to another person with the purpose that 1671
the recipient of the money or items of value use them to obtain 1672
any controlled substance for the purpose of violating section 1673
2925.04 of the Revised Code or for the purpose of selling or 1674
offering to sell the controlled substance in the following 1675
amount: 1676

(1) If the drug to be sold or offered for sale is any 1677
compound, mixture, preparation, or substance included in 1678
schedule I or II, with the exception of marihuana, cocaine, 1679
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1680
schedule III, IV, or V, an amount of the drug that equals or 1681
exceeds the bulk amount of the drug; 1682

(2) If the drug to be sold or offered for sale is 1683
marihuana or a compound, mixture, preparation, or substance 1684
other than hashish containing marihuana, an amount of the 1685
marihuana that equals or exceeds two hundred grams; 1686

(3) If the drug to be sold or offered for sale is cocaine 1687
or a compound, mixture, preparation, or substance containing 1688
cocaine, an amount of the cocaine that equals or exceeds five 1689
grams; 1690

(4) If the drug to be sold or offered for sale is L.S.D. 1691
or a compound, mixture, preparation, or substance containing 1692
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1693
doses if the L.S.D. is in a solid form or equals or exceeds one 1694
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1695

or liquid distillate form; 1696

(5) If the drug to be sold or offered for sale is heroin 1697
or a fentanyl-related compound, or a compound, mixture, 1698
preparation, or substance containing heroin or a fentanyl- 1699
related compound, an amount that equals or exceeds ten unit 1700
doses or equals or exceeds one gram; 1701

(6) If the drug to be sold or offered for sale is hashish 1702
or a compound, mixture, preparation, or substance containing 1703
hashish, an amount of the hashish that equals or exceeds ten 1704
grams if the hashish is in a solid form or equals or exceeds two 1705
grams if the hashish is in a liquid concentrate, liquid extract, 1706
or liquid distillate form. 1707

(B) This section does not apply to any person listed in 1708
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1709
Code to the extent and under the circumstances described in 1710
those divisions. 1711

(C)(1) If the drug involved in the violation is any 1712
compound, mixture, preparation, or substance included in 1713
schedule I or II, with the exception of marihuana, whoever 1714
violates division (A) of this section is guilty of aggravated 1715
funding of drug trafficking, a felony of the first degree, and, 1716
subject to division (E) of this section, the court shall impose 1717
as a mandatory prison term a first degree felony mandatory 1718
prison term. 1719

(2) If the drug involved in the violation is any compound, 1720
mixture, preparation, or substance included in schedule III, IV, 1721
or V, whoever violates division (A) of this section is guilty of 1722
funding of drug trafficking, a felony of the second degree, and 1723
the court shall impose as a mandatory prison term a second 1724

degree felony mandatory prison term. 1725

(3) If the drug involved in the violation is marihuana, 1726
whoever violates division (A) of this section is guilty of 1727
funding of marihuana trafficking, a felony of the third degree, 1728
and, except as otherwise provided in this division, there is a 1729
presumption for a prison term for the offense. If funding of 1730
marihuana trafficking is a felony of the third degree under this 1731
division and if the offender two or more times previously has 1732
been convicted of or pleaded guilty to a felony drug abuse 1733
offense, the court shall impose as a mandatory prison term one 1734
of the prison terms prescribed for a felony of the third degree. 1735

(D) In addition to any prison term authorized or required 1736
by division (C) or (E) of this section and sections 2929.13 and 1737
2929.14 of the Revised Code and in addition to any other 1738
sanction imposed for the offense under this section or sections 1739
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 1740
~~an offender who is convicted of or pleads guilty to a violation~~ 1741
~~of division (A) of this section may suspend the offender's~~ 1742
~~driver's or commercial driver's license or permit in accordance~~ 1743
~~with division (G) of section 2925.03 of the Revised Code.~~ 1744
~~However, if the offender pleaded guilty to or was convicted of a~~ 1745
~~violation of section 4511.19 of the Revised Code or a~~ 1746
~~substantially similar municipal ordinance or the law of another~~ 1747
~~state or the United States arising out of the same set of~~ 1748
~~circumstances as the violation, the court shall suspend the~~ 1749
~~offender's driver's or commercial driver's license or permit in~~ 1750
~~accordance with division (G) of section 2925.03 of the Revised~~ 1751
~~Code. If if applicable, the court also shall do the following:~~ 1752

(1) The court shall impose the mandatory fine specified 1753
for the offense under division (B) (1) of section 2929.18 of the 1754

Revised Code unless, as specified in that division, the court 1755
determines that the offender is indigent. The clerk of the court 1756
shall pay a mandatory fine or other fine imposed for a violation 1757
of this section pursuant to division (A) of section 2929.18 of 1758
the Revised Code in accordance with and subject to the 1759
requirements of division (F) of section 2925.03 of the Revised 1760
Code. The agency that receives the fine shall use the fine in 1761
accordance with division (F) of section 2925.03 of the Revised 1762
Code. If a person is charged with a violation of this section, 1763
posts bail, and forfeits the bail, the forfeited bail shall be 1764
paid as if the forfeited bail were a fine imposed for a 1765
violation of this section. 1766

(2) If the offender is a professionally licensed person, 1767
the court immediately shall comply with section 2925.38 of the 1768
Revised Code. 1769

(3) If the offender has a driver's or commercial driver's 1770
license or permit, section 2929.33 of the Revised Code applies. 1771

(E) Notwithstanding the prison term otherwise authorized 1772
or required for the offense under division (C) of this section 1773
and sections 2929.13 and 2929.14 of the Revised Code, if the 1774
violation of division (A) of this section involves the sale, 1775
offer to sell, or possession of a schedule I or II controlled 1776
substance, with the exception of marihuana, one of the following 1777
applies: 1778

(1) If the drug involved in the violation is a fentanyl- 1779
related compound, the offense is a felony of the first degree, 1780
the offender is a major drug offender, and the court shall 1781
impose as a mandatory prison term the maximum prison term 1782
prescribed for a felony of the first degree. 1783

(2) If division (E) (1) of this section does not apply and
the court imposing sentence upon the offender finds that the
offender as a result of the violation is a major drug offender
and is guilty of a specification of the type described in
division (A) of section 2941.1410 of the Revised Code, the
court, in lieu of the prison term otherwise authorized or
required, shall impose upon the offender the mandatory prison
term specified in division (B) (3) of section 2929.14 of the
Revised Code.

~~(F) (1) If the sentencing court suspends the offender's
driver's or commercial driver's license or permit under this
section in accordance with division (C) of section 2925.03 of
the Revised Code, the offender may request termination of, and
the court may terminate, the suspension in accordance with that
division.~~

~~(2) (F)~~ Any offender who received a mandatory suspension
of the offender's driver's or commercial driver's license or
permit under this section prior to September 13, 2016, may file
a motion with the sentencing court requesting the termination of
the suspension. However, an offender who pleaded guilty to or
was convicted of a violation of section 4511.19 of the Revised
Code or a substantially similar municipal ordinance or law of
another state or the United States that arose out of the same
set of circumstances as the violation for which the offender's
license or permit was suspended under this section shall not
file such a motion.

Upon the filing of a motion under division ~~(F) (2)~~ (F) of
this section, the sentencing court, in its discretion, may
terminate the suspension.

Sec. 2925.06. (A) No person shall knowingly administer to

a human being, or prescribe or dispense for administration to a human being, any anabolic steroid not approved by the United States food and drug administration for administration to human beings.

(B) This section does not apply to any person listed in division (B) (1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.

(C) Whoever violates division (A) of this section is guilty of illegal administration or distribution of anabolic steroids, a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(D) (1) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, ~~the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code.~~ However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit in accordance with division (G) of section 2925.03 of the Revised Code. If an offender's driver's or commercial driver's license

~~or permit is suspended in accordance with that division, the~~ 1844
~~offender may request termination of, and the court may~~ 1845
~~terminate, the suspension in accordance with that division.~~ 1846

~~If~~ if the offender is a professionally licensed person, 1847
the court immediately shall comply with section 2925.38 of the 1848
Revised Code. 1849

If the offender has a driver's or commercial driver's 1850
license or permit, section 2929.33 of the Revised Code applies. 1851

(2) Any offender who received a mandatory suspension of 1852
the offender's driver's or commercial driver's license or permit 1853
under this section prior to ~~the effective date of this amendment~~ 1854
September 13, 2016, may file a motion with the sentencing court 1855
requesting the termination of the suspension. However, an 1856
offender who pleaded guilty to or was convicted of a violation 1857
of section 4511.19 of the Revised Code or a substantially 1858
similar municipal ordinance or law of another state or the 1859
United States that arose out of the same set of circumstances as 1860
the violation for which the offender's license or permit was 1861
suspended under this section shall not file such a motion. 1862

Upon the filing of a motion under division (D)(2) of this 1863
section, the sentencing court, in its discretion, may terminate 1864
the suspension. 1865

(E) If a person commits any act that constitutes a 1866
violation of division (A) of this section and that also 1867
constitutes a violation of any other provision of the Revised 1868
Code, the prosecutor, as defined in section 2935.01 of the 1869
Revised Code, using customary prosecutorial discretion, may 1870
prosecute the person for a violation of the appropriate 1871
provision of the Revised Code. 1872

Sec. 2925.11. (A) No person shall knowingly obtain, 1873
possess, or use a controlled substance or a controlled substance 1874
analog. 1875

(B) (1) This section does not apply to any of the 1876
following: 1877

(a) Manufacturers, licensed health professionals 1878
authorized to prescribe drugs, pharmacists, owners of 1879
pharmacies, and other persons whose conduct was in accordance 1880
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1881
4741. of the Revised Code; 1882

(b) If the offense involves an anabolic steroid, any 1883
person who is conducting or participating in a research project 1884
involving the use of an anabolic steroid if the project has been 1885
approved by the United States food and drug administration; 1886

(c) Any person who sells, offers for sale, prescribes, 1887
dispenses, or administers for livestock or other nonhuman 1888
species an anabolic steroid that is expressly intended for 1889
administration through implants to livestock or other nonhuman 1890
species and approved for that purpose under the "Federal Food, 1891
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1892
as amended, and is sold, offered for sale, prescribed, 1893
dispensed, or administered for that purpose in accordance with 1894
that act; 1895

(d) Any person who obtained the controlled substance 1896
pursuant to a prescription issued by a licensed health 1897
professional authorized to prescribe drugs if the prescription 1898
was issued for a legitimate medical purpose and not altered, 1899
forged, or obtained through deception or commission of a theft 1900
offense. 1901

As used in division (B) (1) (d) of this section, "deception"	1902
and "theft offense" have the same meanings as in section 2913.01	1903
of the Revised Code.	1904
(2) (a) As used in division (B) (2) of this section:	1905
(i) "Community addiction services provider" has the same	1906
meaning as in section 5119.01 of the Revised Code.	1907
(ii) "Community control sanction" has the same meaning as	1908
in section 2929.01 of the Revised Code.	1909
(iii) "Health care facility" has the same meaning as in	1910
section 2919.16 of the Revised Code.	1911
(iv) "Minor drug possession offense" means a violation of	1912
this section that is a misdemeanor or a felony of the fifth	1913
degree.	1914
(v) "Post-release control sanction" has the same meaning	1915
as in section 2967.28 of the Revised Code.	1916
(vi) "Peace officer" has the same meaning as in section	1917
2935.01 of the Revised Code.	1918
(vii) "Public agency" has the same meaning as in section	1919
2930.01 of the Revised Code.	1920
(viii) "Qualified individual" means a person who is acting	1921
in good faith who seeks or obtains medical assistance for	1922
another person who is experiencing a drug overdose, a person who	1923
experiences a drug overdose and who seeks medical assistance for	1924
that overdose, or a person who is the subject of another person	1925
seeking or obtaining medical assistance for that overdose as	1926
described in division (B) (2) (b) of this section.	1927
(ix) "Seek or obtain medical assistance" includes, but is	1928

not limited to making a 9-1-1 call, contacting in person or by 1929
telephone call an on-duty peace officer, or transporting or 1930
presenting a person to a health care facility. 1931

(b) Subject to division (B)(2)(e) of this section, a 1932
qualified individual shall not be arrested, charged, prosecuted, 1933
convicted, or penalized pursuant to this chapter for a minor 1934
drug possession offense or a violation of section 2925.12, 1935
division (C)(1) of section 2925.14, or section 2925.141 of the 1936
Revised Code if all of the following apply: 1937

(i) The evidence of the obtaining, possession, or use of 1938
the controlled substance or controlled substance analog, drug 1939
abuse instruments, or drug paraphernalia that would be the basis 1940
of the offense was obtained as a result of the qualified 1941
individual seeking the medical assistance or experiencing an 1942
overdose and needing medical assistance. 1943

(ii) Subject to division (B)(2)(f) of this section, within 1944
thirty days after seeking or obtaining the medical assistance, 1945
the qualified individual seeks and obtains a screening and 1946
receives a referral for treatment from a community addiction 1947
services provider or a properly credentialed addiction treatment 1948
professional. 1949

(iii) Subject to division (B)(2)(f) of this section, the 1950
qualified individual who obtains a screening and receives a 1951
referral for treatment under division (B)(2)(b)(ii) of this 1952
section, upon the request of any prosecuting attorney, submits 1953
documentation to the prosecuting attorney that verifies that the 1954
qualified individual satisfied the requirements of that 1955
division. The documentation shall be limited to the date and 1956
time of the screening obtained and referral received. 1957

(c) If a person who is serving a community control 1958
sanction or is under a sanction on post-release control acts 1959
pursuant to division (B) (2) (b) of this section, then division 1960
(B) of section 2929.141, division (B) (2) of section 2929.15, 1961
division (D) (3) of section 2929.25, or division (F) (3) of 1962
section 2967.28 of the Revised Code applies to the person with 1963
respect to any violation of the sanction or post-release control 1964
sanction based on a minor drug possession offense, as defined in 1965
section 2925.11 of the Revised Code, or a violation of section 1966
2925.12, division (C) (1) of section 2925.14, or section 2925.141 1967
of the Revised Code. 1968

(d) Nothing in division (B) (2) (b) of this section shall be 1969
construed to do any of the following: 1970

(i) Limit the admissibility of any evidence in connection 1971
with the investigation or prosecution of a crime with regards to 1972
a defendant who does not qualify for the protections of division 1973
(B) (2) (b) of this section or with regards to any crime other 1974
than a minor drug possession offense or a violation of section 1975
2925.12, division (C) (1) of section 2925.14, or section 2925.141 1976
of the Revised Code committed by a person who qualifies for 1977
protection pursuant to division (B) (2) (b) of this section; 1978

(ii) Limit any seizure of evidence or contraband otherwise 1979
permitted by law; 1980

(iii) Limit or abridge the authority of a peace officer to 1981
detain or take into custody a person in the course of an 1982
investigation or to effectuate an arrest for any offense except 1983
as provided in that division; 1984

(iv) Limit, modify, or remove any immunity from liability 1985
available pursuant to law in effect prior to September 13, 2016, 1986

to any public agency or to an employee of any public agency. 1987

(e) Division (B) (2) (b) of this section does not apply to 1988
any person who twice previously has been granted an immunity 1989
under division (B) (2) (b) of this section. No person shall be 1990
granted an immunity under division (B) (2) (b) of this section 1991
more than two times. 1992

(f) Nothing in this section shall compel any qualified 1993
individual to disclose protected health information in a way 1994
that conflicts with the requirements of the "Health Insurance 1995
Portability and Accountability Act of 1996," 104 Pub. L. No. 1996
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1997
regulations promulgated by the United States department of 1998
health and human services to implement the act or the 1999
requirements of 42 C.F.R. Part 2. 2000

(C) Whoever violates division (A) of this section is 2001
guilty of one of the following: 2002

(1) If the drug involved in the violation is a compound, 2003
mixture, preparation, or substance included in schedule I or II, 2004
with the exception of marihuana, cocaine, L.S.D., heroin, any 2005
fentanyl-related compound, hashish, and any controlled substance 2006
analog, whoever violates division (A) of this section is guilty 2007
of aggravated possession of drugs. The penalty for the offense 2008
shall be determined as follows: 2009

(a) Except as otherwise provided in division (C) (1) (b), 2010
(c), (d), or (e) of this section, aggravated possession of drugs 2011
is a felony of the fifth degree, and division (B) of section 2012
2929.13 of the Revised Code applies in determining whether to 2013
impose a prison term on the offender. 2014

(b) If the amount of the drug involved equals or exceeds 2015

the bulk amount but is less than five times the bulk amount, 2016
aggravated possession of drugs is a felony of the third degree, 2017
and there is a presumption for a prison term for the offense. 2018

(c) If the amount of the drug involved equals or exceeds 2019
five times the bulk amount but is less than fifty times the bulk 2020
amount, aggravated possession of drugs is a felony of the second 2021
degree, and the court shall impose as a mandatory prison term a 2022
second degree felony mandatory prison term. 2023

(d) If the amount of the drug involved equals or exceeds 2024
fifty times the bulk amount but is less than one hundred times 2025
the bulk amount, aggravated possession of drugs is a felony of 2026
the first degree, and the court shall impose as a mandatory 2027
prison term a first degree felony mandatory prison term. 2028

(e) If the amount of the drug involved equals or exceeds 2029
one hundred times the bulk amount, aggravated possession of 2030
drugs is a felony of the first degree, the offender is a major 2031
drug offender, and the court shall impose as a mandatory prison 2032
term a maximum first degree felony mandatory prison term. 2033

(2) If the drug involved in the violation is a compound, 2034
mixture, preparation, or substance included in schedule III, IV, 2035
or V, whoever violates division (A) of this section is guilty of 2036
possession of drugs. The penalty for the offense shall be 2037
determined as follows: 2038

(a) Except as otherwise provided in division (C) (2) (b), 2039
(c), or (d) of this section, possession of drugs is a 2040
misdemeanor of the first degree or, if the offender previously 2041
has been convicted of a drug abuse offense, a felony of the 2042
fifth degree. 2043

(b) If the amount of the drug involved equals or exceeds 2044

the bulk amount but is less than five times the bulk amount, 2045
possession of drugs is a felony of the fourth degree, and 2046
division (C) of section 2929.13 of the Revised Code applies in 2047
determining whether to impose a prison term on the offender. 2048

(c) If the amount of the drug involved equals or exceeds 2049
five times the bulk amount but is less than fifty times the bulk 2050
amount, possession of drugs is a felony of the third degree, and 2051
there is a presumption for a prison term for the offense. 2052

(d) If the amount of the drug involved equals or exceeds 2053
fifty times the bulk amount, possession of drugs is a felony of 2054
the second degree, and the court shall impose upon the offender 2055
as a mandatory prison term a second degree felony mandatory 2056
prison term. 2057

(3) If the drug involved in the violation is marihuana or 2058
a compound, mixture, preparation, or substance containing 2059
marihuana other than hashish, whoever violates division (A) of 2060
this section is guilty of possession of marihuana. The penalty 2061
for the offense shall be determined as follows: 2062

(a) Except as otherwise provided in division (C) (3) (b), 2063
(c), (d), (e), (f), or (g) of this section, possession of 2064
marihuana is a minor misdemeanor. 2065

(b) If the amount of the drug involved equals or exceeds 2066
one hundred grams but is less than two hundred grams, possession 2067
of marihuana is a misdemeanor of the fourth degree. 2068

(c) If the amount of the drug involved equals or exceeds 2069
two hundred grams but is less than one thousand grams, 2070
possession of marihuana is a felony of the fifth degree, and 2071
division (B) of section 2929.13 of the Revised Code applies in 2072
determining whether to impose a prison term on the offender. 2073

(d) If the amount of the drug involved equals or exceeds 2074
one thousand grams but is less than five thousand grams, 2075
possession of marihuana is a felony of the third degree, and 2076
division (C) of section 2929.13 of the Revised Code applies in 2077
determining whether to impose a prison term on the offender. 2078

(e) If the amount of the drug involved equals or exceeds 2079
five thousand grams but is less than twenty thousand grams, 2080
possession of marihuana is a felony of the third degree, and 2081
there is a presumption that a prison term shall be imposed for 2082
the offense. 2083

(f) If the amount of the drug involved equals or exceeds 2084
twenty thousand grams but is less than forty thousand grams, 2085
possession of marihuana is a felony of the second degree, and 2086
the court shall impose as a mandatory prison term a second 2087
degree felony mandatory prison term of five, six, seven, or 2088
eight years. 2089

(g) If the amount of the drug involved equals or exceeds 2090
forty thousand grams, possession of marihuana is a felony of the 2091
second degree, and the court shall impose as a mandatory prison 2092
term a maximum second degree felony mandatory prison term. 2093

(4) If the drug involved in the violation is cocaine or a 2094
compound, mixture, preparation, or substance containing cocaine, 2095
whoever violates division (A) of this section is guilty of 2096
possession of cocaine. The penalty for the offense shall be 2097
determined as follows: 2098

(a) Except as otherwise provided in division (C) (4) (b), 2099
(c), (d), (e), or (f) of this section, possession of cocaine is 2100
a felony of the fifth degree, and division (B) of section 2101
2929.13 of the Revised Code applies in determining whether to 2102

impose a prison term on the offender. 2103

(b) If the amount of the drug involved equals or exceeds 2104
five grams but is less than ten grams of cocaine, possession of 2105
cocaine is a felony of the fourth degree, and division (B) of 2106
section 2929.13 of the Revised Code applies in determining 2107
whether to impose a prison term on the offender. 2108

(c) If the amount of the drug involved equals or exceeds 2109
ten grams but is less than twenty grams of cocaine, possession 2110
of cocaine is a felony of the third degree, and, except as 2111
otherwise provided in this division, there is a presumption for 2112
a prison term for the offense. If possession of cocaine is a 2113
felony of the third degree under this division and if the 2114
offender two or more times previously has been convicted of or 2115
pleaded guilty to a felony drug abuse offense, the court shall 2116
impose as a mandatory prison term one of the prison terms 2117
prescribed for a felony of the third degree. 2118

(d) If the amount of the drug involved equals or exceeds 2119
twenty grams but is less than twenty-seven grams of cocaine, 2120
possession of cocaine is a felony of the second degree, and the 2121
court shall impose as a mandatory prison term a second degree 2122
felony mandatory prison term. 2123

(e) If the amount of the drug involved equals or exceeds 2124
twenty-seven grams but is less than one hundred grams of 2125
cocaine, possession of cocaine is a felony of the first degree, 2126
and the court shall impose as a mandatory prison term a first 2127
degree felony mandatory prison term. 2128

(f) If the amount of the drug involved equals or exceeds 2129
one hundred grams of cocaine, possession of cocaine is a felony 2130
of the first degree, the offender is a major drug offender, and 2131

the court shall impose as a mandatory prison term a maximum 2132
first degree felony mandatory prison term. 2133

(5) If the drug involved in the violation is L.S.D., 2134
whoever violates division (A) of this section is guilty of 2135
possession of L.S.D. The penalty for the offense shall be 2136
determined as follows: 2137

(a) Except as otherwise provided in division (C) (5) (b), 2138
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2139
felony of the fifth degree, and division (B) of section 2929.13 2140
of the Revised Code applies in determining whether to impose a 2141
prison term on the offender. 2142

(b) If the amount of L.S.D. involved equals or exceeds ten 2143
unit doses but is less than fifty unit doses of L.S.D. in a 2144
solid form or equals or exceeds one gram but is less than five 2145
grams of L.S.D. in a liquid concentrate, liquid extract, or 2146
liquid distillate form, possession of L.S.D. is a felony of the 2147
fourth degree, and division (C) of section 2929.13 of the 2148
Revised Code applies in determining whether to impose a prison 2149
term on the offender. 2150

(c) If the amount of L.S.D. involved equals or exceeds 2151
fifty unit doses, but is less than two hundred fifty unit doses 2152
of L.S.D. in a solid form or equals or exceeds five grams but is 2153
less than twenty-five grams of L.S.D. in a liquid concentrate, 2154
liquid extract, or liquid distillate form, possession of L.S.D. 2155
is a felony of the third degree, and there is a presumption for 2156
a prison term for the offense. 2157

(d) If the amount of L.S.D. involved equals or exceeds two 2158
hundred fifty unit doses but is less than one thousand unit 2159
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2160

grams but is less than one hundred grams of L.S.D. in a liquid 2161
concentrate, liquid extract, or liquid distillate form, 2162
possession of L.S.D. is a felony of the second degree, and the 2163
court shall impose as a mandatory prison term a second degree 2164
felony mandatory prison term. 2165

(e) If the amount of L.S.D. involved equals or exceeds one 2166
thousand unit doses but is less than five thousand unit doses of 2167
L.S.D. in a solid form or equals or exceeds one hundred grams 2168
but is less than five hundred grams of L.S.D. in a liquid 2169
concentrate, liquid extract, or liquid distillate form, 2170
possession of L.S.D. is a felony of the first degree, and the 2171
court shall impose as a mandatory prison term a first degree 2172
felony mandatory prison term. 2173

(f) If the amount of L.S.D. involved equals or exceeds 2174
five thousand unit doses of L.S.D. in a solid form or equals or 2175
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2176
liquid extract, or liquid distillate form, possession of L.S.D. 2177
is a felony of the first degree, the offender is a major drug 2178
offender, and the court shall impose as a mandatory prison term 2179
a maximum first degree felony mandatory prison term. 2180

(6) If the drug involved in the violation is heroin or a 2181
compound, mixture, preparation, or substance containing heroin, 2182
whoever violates division (A) of this section is guilty of 2183
possession of heroin. The penalty for the offense shall be 2184
determined as follows: 2185

(a) Except as otherwise provided in division (C) (6) (b), 2186
(c), (d), (e), or (f) of this section, possession of heroin is a 2187
felony of the fifth degree, and division (B) of section 2929.13 2188
of the Revised Code applies in determining whether to impose a 2189
prison term on the offender. 2190

(b) If the amount of the drug involved equals or exceeds 2191
ten unit doses but is less than fifty unit doses or equals or 2192
exceeds one gram but is less than five grams, possession of 2193
heroin is a felony of the fourth degree, and division (C) of 2194
section 2929.13 of the Revised Code applies in determining 2195
whether to impose a prison term on the offender. 2196

(c) If the amount of the drug involved equals or exceeds 2197
fifty unit doses but is less than one hundred unit doses or 2198
equals or exceeds five grams but is less than ten grams, 2199
possession of heroin is a felony of the third degree, and there 2200
is a presumption for a prison term for the offense. 2201

(d) If the amount of the drug involved equals or exceeds 2202
one hundred unit doses but is less than five hundred unit doses 2203
or equals or exceeds ten grams but is less than fifty grams, 2204
possession of heroin is a felony of the second degree, and the 2205
court shall impose as a mandatory prison term a second degree 2206
felony mandatory prison term. 2207

(e) If the amount of the drug involved equals or exceeds 2208
five hundred unit doses but is less than one thousand unit doses 2209
or equals or exceeds fifty grams but is less than one hundred 2210
grams, possession of heroin is a felony of the first degree, and 2211
the court shall impose as a mandatory prison term a first degree 2212
felony mandatory prison term. 2213

(f) If the amount of the drug involved equals or exceeds 2214
one thousand unit doses or equals or exceeds one hundred grams, 2215
possession of heroin is a felony of the first degree, the 2216
offender is a major drug offender, and the court shall impose as 2217
a mandatory prison term a maximum first degree felony mandatory 2218
prison term. 2219

(7) If the drug involved in the violation is hashish or a compound, mixture, preparation, or substance containing hashish, whoever violates division (A) of this section is guilty of possession of hashish. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C) (7) (b), (c), (d), (e), (f), or (g) of this section, possession of hashish is a minor misdemeanor.

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of hashish in a solid form or equals or exceeds one gram but is less than two grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a misdemeanor of the fourth degree.

(c) If the amount of the drug involved equals or exceeds ten grams but is less than fifty grams of hashish in a solid form or equals or exceeds two grams but is less than ten grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(d) If the amount of the drug involved equals or exceeds fifty grams but is less than two hundred fifty grams of hashish in a solid form or equals or exceeds ten grams but is less than fifty grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, possession of hashish is a felony of the third degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(e) If the amount of the drug involved equals or exceeds 2250
two hundred fifty grams but is less than one thousand grams of 2251
hashish in a solid form or equals or exceeds fifty grams but is 2252
less than two hundred grams of hashish in a liquid concentrate, 2253
liquid extract, or liquid distillate form, possession of hashish 2254
is a felony of the third degree, and there is a presumption that 2255
a prison term shall be imposed for the offense. 2256

(f) If the amount of the drug involved equals or exceeds 2257
one thousand grams but is less than two thousand grams of 2258
hashish in a solid form or equals or exceeds two hundred grams 2259
but is less than four hundred grams of hashish in a liquid 2260
concentrate, liquid extract, or liquid distillate form, 2261
possession of hashish is a felony of the second degree, and the 2262
court shall impose as a mandatory prison term a second degree 2263
felony mandatory prison term of five, six, seven, or eight 2264
years. 2265

(g) If the amount of the drug involved equals or exceeds 2266
two thousand grams of hashish in a solid form or equals or 2267
exceeds four hundred grams of hashish in a liquid concentrate, 2268
liquid extract, or liquid distillate form, possession of hashish 2269
is a felony of the second degree, and the court shall impose as 2270
a mandatory prison term a maximum second degree felony mandatory 2271
prison term. 2272

(8) If the drug involved is a controlled substance analog 2273
or compound, mixture, preparation, or substance that contains a 2274
controlled substance analog, whoever violates division (A) of 2275
this section is guilty of possession of a controlled substance 2276
analog. The penalty for the offense shall be determined as 2277
follows: 2278

(a) Except as otherwise provided in division (C) (8) (b), 2279

(c), (d), (e), or (f) of this section, possession of a 2280
controlled substance analog is a felony of the fifth degree, and 2281
division (B) of section 2929.13 of the Revised Code applies in 2282
determining whether to impose a prison term on the offender. 2283

(b) If the amount of the drug involved equals or exceeds 2284
ten grams but is less than twenty grams, possession of a 2285
controlled substance analog is a felony of the fourth degree, 2286
and there is a presumption for a prison term for the offense. 2287

(c) If the amount of the drug involved equals or exceeds 2288
twenty grams but is less than thirty grams, possession of a 2289
controlled substance analog is a felony of the third degree, and 2290
there is a presumption for a prison term for the offense. 2291

(d) If the amount of the drug involved equals or exceeds 2292
thirty grams but is less than forty grams, possession of a 2293
controlled substance analog is a felony of the second degree, 2294
and the court shall impose as a mandatory prison term a second 2295
degree felony mandatory prison term. 2296

(e) If the amount of the drug involved equals or exceeds 2297
forty grams but is less than fifty grams, possession of a 2298
controlled substance analog is a felony of the first degree, and 2299
the court shall impose as a mandatory prison term a first degree 2300
felony mandatory prison term. 2301

(f) If the amount of the drug involved equals or exceeds 2302
fifty grams, possession of a controlled substance analog is a 2303
felony of the first degree, the offender is a major drug 2304
offender, and the court shall impose as a mandatory prison term 2305
a maximum first degree felony mandatory prison term. 2306

(9) If the drug involved in the violation is a compound, 2307
mixture, preparation, or substance that is a combination of a 2308

fentanyl-related compound and marihuana, one of the following 2309
applies: 2310

(a) Except as otherwise provided in division (C) (9) (b) of 2311
this section, the offender is guilty of possession of marihuana 2312
and shall be punished as provided in division (C) (3) of this 2313
section. Except as otherwise provided in division (C) (9) (b) of 2314
this section, the offender is not guilty of possession of a 2315
fentanyl-related compound under division (C) (11) of this section 2316
and shall not be charged with, convicted of, or punished under 2317
division (C) (11) of this section for possession of a fentanyl- 2318
related compound. 2319

(b) If the offender knows or has reason to know that the 2320
compound, mixture, preparation, or substance that is the drug 2321
involved contains a fentanyl-related compound, the offender is 2322
guilty of possession of a fentanyl-related compound and shall be 2323
punished under division (C) (11) of this section. 2324

(10) If the drug involved in the violation is a compound, 2325
mixture, preparation, or substance that is a combination of a 2326
fentanyl-related compound and any schedule III, schedule IV, or 2327
schedule V controlled substance that is not a fentanyl-related 2328
compound, one of the following applies: 2329

(a) Except as otherwise provided in division (C) (10) (b) of 2330
this section, the offender is guilty of possession of drugs and 2331
shall be punished as provided in division (C) (2) of this 2332
section. Except as otherwise provided in division (C) (10) (b) of 2333
this section, the offender is not guilty of possession of a 2334
fentanyl-related compound under division (C) (11) of this section 2335
and shall not be charged with, convicted of, or punished under 2336
division (C) (11) of this section for possession of a fentanyl- 2337
related compound. 2338

(b) If the offender knows or has reason to know that the compound, mixture, preparation, or substance that is the drug involved contains a fentanyl-related compound, the offender is guilty of possession of a fentanyl-related compound and shall be punished under division (C)(11) of this section.

(11) If the drug involved in the violation is a fentanyl-related compound and neither division (C)(9)(a) nor division (C)(10)(a) of this section applies to the drug involved, or is a compound, mixture, preparation, or substance that contains a fentanyl-related compound or is a combination of a fentanyl-related compound and any other controlled substance and neither division (C)(9)(a) nor division (C)(10)(a) of this section applies to the drug involved, whoever violates division (A) of this section is guilty of possession of a fentanyl-related compound. The penalty for the offense shall be determined as follows:

(a) Except as otherwise provided in division (C)(11)(b), (c), (d), (e), (f), or (g) of this section, possession of a fentanyl-related compound is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(b) If the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, possession of a fentanyl-related compound is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(c) If the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams,

possession of a fentanyl-related compound is a felony of the 2369
third degree, and there is a presumption for a prison term for 2370
the offense. 2371

(d) If the amount of the drug involved equals or exceeds 2372
one hundred unit doses but is less than two hundred unit doses 2373
or equals or exceeds ten grams but is less than twenty grams, 2374
possession of a fentanyl-related compound is a felony of the 2375
second degree, and the court shall impose as a mandatory prison 2376
term one of the prison terms prescribed for a felony of the 2377
second degree. 2378

(e) If the amount of the drug involved equals or exceeds 2379
two hundred unit doses but is less than five hundred unit doses 2380
or equals or exceeds twenty grams but is less than fifty grams, 2381
possession of a fentanyl-related compound is a felony of the 2382
first degree, and the court shall impose as a mandatory prison 2383
term one of the prison terms prescribed for a felony of the 2384
first degree. 2385

(f) If the amount of the drug involved equals or exceeds 2386
five hundred unit doses but is less than one thousand unit doses 2387
or equals or exceeds fifty grams but is less than one hundred 2388
grams, possession of a fentanyl-related compound is a felony of 2389
the first degree, and the court shall impose as a mandatory 2390
prison term the maximum prison term prescribed for a felony of 2391
the first degree. 2392

(g) If the amount of the drug involved equals or exceeds 2393
one thousand unit doses or equals or exceeds one hundred grams, 2394
possession of a fentanyl-related compound is a felony of the 2395
first degree, the offender is a major drug offender, and the 2396
court shall impose as a mandatory prison term the maximum prison 2397
term prescribed for a felony of the first degree. 2398

(D) Arrest or conviction for a minor misdemeanor violation 2399
of this section does not constitute a criminal record and need 2400
not be reported by the person so arrested or convicted in 2401
response to any inquiries about the person's criminal record, 2402
including any inquiries contained in any application for 2403
employment, license, or other right or privilege, or made in 2404
connection with the person's appearance as a witness. 2405

(E) In addition to any prison term or jail term authorized 2406
or required by division (C) of this section and sections 2407
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2408
Code and in addition to any other sanction that is imposed for 2409
the offense under this section, sections 2929.11 to 2929.18, or 2410
sections 2929.21 to 2929.28 of the Revised Code, ~~the court that~~ 2411
~~sentences an offender who is convicted of or pleads guilty to a~~ 2412
~~violation of division (A) of this section may suspend the~~ 2413
~~offender's driver's or commercial driver's license or permit for~~ 2414
~~not more than five years. However, if the offender pleaded~~ 2415
~~guilty to or was convicted of a violation of section 4511.19 of~~ 2416
~~the Revised Code or a substantially similar municipal ordinance~~ 2417
~~or the law of another state or the United States arising out of~~ 2418
~~the same set of circumstances as the violation, the court shall~~ 2419
~~suspend the offender's driver's or commercial driver's license~~ 2420
~~or permit for not more than five years. If if applicable, the~~ 2421
court also shall do the following: 2422

(1) (a) If the violation is a felony of the first, second, 2423
or third degree, the court shall impose upon the offender the 2424
mandatory fine specified for the offense under division (B) (1) 2425
of section 2929.18 of the Revised Code unless, as specified in 2426
that division, the court determines that the offender is 2427
indigent. 2428

(b) Notwithstanding any contrary provision of section 2429
3719.21 of the Revised Code, the clerk of the court shall pay a 2430
mandatory fine or other fine imposed for a violation of this 2431
section pursuant to division (A) of section 2929.18 of the 2432
Revised Code in accordance with and subject to the requirements 2433
of division (F) of section 2925.03 of the Revised Code. The 2434
agency that receives the fine shall use the fine as specified in 2435
division (F) of section 2925.03 of the Revised Code. 2436

(c) If a person is charged with a violation of this 2437
section that is a felony of the first, second, or third degree, 2438
posts bail, and forfeits the bail, the clerk shall pay the 2439
forfeited bail pursuant to division (E)(1)(b) of this section as 2440
if it were a mandatory fine imposed under division (E)(1)(a) of 2441
this section. 2442

(2) If the offender is a professionally licensed person, 2443
in addition to any other sanction imposed for a violation of 2444
this section, the court immediately shall comply with section 2445
2925.38 of the Revised Code. 2446

(3) If the offender has a driver's or commercial driver's 2447
license or permit, section 2929.33 of the Revised Code applies. 2448

(F) It is an affirmative defense, as provided in section 2449
2901.05 of the Revised Code, to a charge of a fourth degree 2450
felony violation under this section that the controlled 2451
substance that gave rise to the charge is in an amount, is in a 2452
form, is prepared, compounded, or mixed with substances that are 2453
not controlled substances in a manner, or is possessed under any 2454
other circumstances, that indicate that the substance was 2455
possessed solely for personal use. Notwithstanding any contrary 2456
provision of this section, if, in accordance with section 2457
2901.05 of the Revised Code, an accused who is charged with a 2458

fourth degree felony violation of division (C) (2), (4), (5), or 2459
(6) of this section sustains the burden of going forward with 2460
evidence of and establishes by a preponderance of the evidence 2461
the affirmative defense described in this division, the accused 2462
may be prosecuted for and may plead guilty to or be convicted of 2463
a misdemeanor violation of division (C) (2) of this section or a 2464
fifth degree felony violation of division (C) (4), (5), or (6) of 2465
this section respectively. 2466

(G) When a person is charged with possessing a bulk amount 2467
or multiple of a bulk amount, division (E) of section 2925.03 of 2468
the Revised Code applies regarding the determination of the 2469
amount of the controlled substance involved at the time of the 2470
offense. 2471

(H) It is an affirmative defense to a charge of possession 2472
of a controlled substance analog under division (C) (8) of this 2473
section that the person charged with violating that offense 2474
obtained, possessed, or used one of the following items that are 2475
excluded from the meaning of "controlled substance analog" under 2476
section 3719.01 of the Revised Code: 2477

(1) A controlled substance; 2478

(2) Any substance for which there is an approved new drug 2479
application; 2480

(3) With respect to a particular person, any substance if 2481
an exemption is in effect for investigational use for that 2482
person pursuant to federal law to the extent that conduct with 2483
respect to that substance is pursuant to that exemption. 2484

(I) Any offender who received a mandatory suspension of 2485
the offender's driver's or commercial driver's license or permit 2486
under this section prior to September 13, 2016, may file a 2487

motion with the sentencing court requesting the termination of 2488
the suspension. However, an offender who pleaded guilty to or 2489
was convicted of a violation of section 4511.19 of the Revised 2490
Code or a substantially similar municipal ordinance or law of 2491
another state or the United States that arose out of the same 2492
set of circumstances as the violation for which the offender's 2493
license or permit was suspended under this section shall not 2494
file such a motion. 2495

Upon the filing of a motion under division (I) of this 2496
section, the sentencing court, in its discretion, may terminate 2497
the suspension. 2498

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2499
possess, or use any instrument, article, or thing the customary 2500
and primary purpose of which is for the administration or use of 2501
a dangerous drug, other than marihuana, when the instrument 2502
involved is a hypodermic or syringe, whether or not of crude or 2503
extemporized manufacture or assembly, and the instrument, 2504
article, or thing involved has been used by the offender to 2505
unlawfully administer or use a dangerous drug, other than 2506
marihuana, or to prepare a dangerous drug, other than marihuana, 2507
for unlawful administration or use. 2508

(B) (1) This section does not apply to manufacturers, 2509
licensed health professionals authorized to prescribe drugs, 2510
pharmacists, owners of pharmacies, and other persons whose 2511
conduct was in accordance with Chapters 3719., 4715., 4723., 2512
4729., 4730., 4731., and 4741. of the Revised Code. 2513

(2) Division (B) (2) of section 2925.11 of the Revised Code 2514
applies with respect to a violation of this section when a 2515
person seeks or obtains medical assistance for another person 2516
who is experiencing a drug overdose, a person experiences a drug 2517

overdose and seeks medical assistance for that overdose, or a 2518
person is the subject of another person seeking or obtaining 2519
medical assistance for that overdose. 2520

(C) Whoever violates this section is guilty of possessing 2521
drug abuse instruments, a misdemeanor of the second degree. If 2522
the offender previously has been convicted of a drug abuse 2523
offense, a violation of this section is a misdemeanor of the 2524
first degree. 2525

(D) (1) ~~In addition to any other sanction imposed upon an~~ 2526
~~offender for a violation of this section, the court may suspend~~ 2527
~~for not more than five years the offender's driver's or~~ 2528
~~commercial driver's license or permit. However, if the offender~~ 2529
~~pleaded guilty to or was convicted of a violation of section~~ 2530
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2531
~~ordinance or the law of another state or the United States~~ 2532
~~arising out of the same set of circumstances as the violation,~~ 2533
~~the court shall suspend the offender's driver's or commercial~~ 2534
~~driver's license or permit for not more than five years. If the~~ 2535
offender is a professionally licensed person, in addition to any 2536
other sanction imposed for a violation of this section, the 2537
court immediately shall comply with section 2925.38 of the 2538
Revised Code. 2539

If the offender has a driver's or commercial driver's 2540
license or permit, section 2929.33 of the Revised Code applies. 2541

(2) Any offender who received a mandatory suspension of 2542
the offender's driver's or commercial driver's license or permit 2543
under this section prior to September 13, 2016, may file a 2544
motion with the sentencing court requesting the termination of 2545
the suspension. However, an offender who pleaded guilty to or 2546
was convicted of a violation of section 4511.19 of the Revised 2547

Code or a substantially similar municipal ordinance or law of 2548
another state or the United States that arose out of the same 2549
set of circumstances as the violation for which the offender's 2550
license or permit was suspended under this section shall not 2551
file such a motion. 2552

Upon the filing of a motion under division (D)(2) of this 2553
section, the sentencing court, in its discretion, may terminate 2554
the suspension. 2555

Sec. 2925.13. (A) No person who is the owner, operator, or 2556
person in charge of a locomotive, watercraft, aircraft, or other 2557
vehicle, as defined in division (A) of section 4501.01 of the 2558
Revised Code, shall knowingly permit the vehicle to be used for 2559
the commission of a felony drug abuse offense. 2560

(B) No person who is the owner, lessee, or occupant, or 2561
who has custody, control, or supervision, of premises or real 2562
estate, including vacant land, shall knowingly permit the 2563
premises or real estate, including vacant land, to be used for 2564
the commission of a felony drug abuse offense by another person. 2565

(C)(1) Whoever violates this section is guilty of 2566
permitting drug abuse. 2567

(2) Except as provided in division (C)(3) of this section, 2568
permitting drug abuse is a misdemeanor of the first degree. 2569

(3) Permitting drug abuse is a felony of the fifth degree, 2570
and division (C) of section 2929.13 of the Revised Code applies 2571
in determining whether to impose a prison term on the offender, 2572
if either of the following applies: 2573

(a) The felony drug abuse offense in question is a 2574
violation of section 2925.02, 2925.03, or 2925.04 of the Revised 2575
Code. 2576

(b) The felony drug abuse offense in question is a 2577
violation of section 2925.041 of the Revised Code and the 2578
offender had actual knowledge, at the time the offender 2579
permitted the vehicle, premises, or real estate to be used as 2580
described in division (A) or (B) of this section, that the 2581
person who assembled or possessed the chemicals in question in 2582
violation of section 2925.041 of the Revised Code had assembled 2583
or possessed them with the intent to manufacture a controlled 2584
substance in schedule I or II in violation of section 2925.04 of 2585
the Revised Code. 2586

~~(D) (1) In addition to any prison term authorized or 2587
required by division (C) of this section and sections 2929.13- 2588
and 2929.14 of the Revised Code and in addition to any other 2589
sanction imposed for the offense under this section or sections- 2590
2929.11 to 2929.18 of the Revised Code, the court that sentences- 2591
a person who is convicted of or pleads guilty to a violation of 2592
division (A) of this section may suspend for not more than five- 2593
years the offender's driver's or commercial driver's license or 2594
permit. However, if the offender pleaded guilty to or was 2595
convicted of a violation of section 4511.19 of the Revised Code- 2596
or a substantially similar municipal ordinance or the law of- 2597
another state or the United States arising out of the same set- 2598
of circumstances as the violation, the court shall suspend the 2599
offender's driver's or commercial driver's license or permit for 2600
not more than five years. 2601~~

If the offender is a professionally licensed person, in 2602
addition to any other sanction imposed for a violation of this 2603
section, the court immediately shall comply with section 2925.38 2604
of the Revised Code. 2605

If the offender has a driver's or commercial driver's 2606

license or permit, section 2929.33 of the Revised Code applies. 2607

(2) Any offender who received a mandatory suspension of 2608
the offender's driver's or commercial driver's license or permit 2609
under this section prior to September 13, 2016, may file a 2610
motion with the sentencing court requesting the termination of 2611
the suspension. However, an offender who pleaded guilty to or 2612
was convicted of a violation of section 4511.19 of the Revised 2613
Code or a substantially similar municipal ordinance or law of 2614
another state or the United States that arose out of the same 2615
set of circumstances as the violation for which the offender's 2616
license or permit was suspended under this section shall not 2617
file such a motion. 2618

Upon the filing of a motion under division (D) (2) of this 2619
section, the sentencing court, in its discretion, may terminate 2620
the suspension. 2621

(E) Notwithstanding any contrary provision of section 2622
3719.21 of the Revised Code, the clerk of the court shall pay a 2623
fine imposed for a violation of this section pursuant to 2624
division (A) of section 2929.18 of the Revised Code in 2625
accordance with and subject to the requirements of division (F) 2626
of section 2925.03 of the Revised Code. The agency that receives 2627
the fine shall use the fine as specified in division (F) of 2628
section 2925.03 of the Revised Code. 2629

(F) Any premises or real estate that is permitted to be 2630
used in violation of division (B) of this section constitutes a 2631
nuisance subject to abatement pursuant to Chapter 3767. of the 2632
Revised Code. 2633

Sec. 2925.14. (A) As used in this section, "drug 2634
paraphernalia" means any equipment, product, or material of any 2635

kind that is used by the offender, intended by the offender for use, or designed for use, in propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, concealing, injecting, ingesting, inhaling, or otherwise introducing into the human body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

(1) A kit for propagating, cultivating, growing, or harvesting any species of a plant that is a controlled substance or from which a controlled substance can be derived;

(2) A kit for manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;

(3) Any object, instrument, or device for manufacturing, compounding, converting, producing, processing, or preparing methamphetamine;

(4) An isomerization device for increasing the potency of any species of a plant that is a controlled substance;

(5) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of, a controlled substance, except for those exempted in division (D)(4) of this section;

(6) A scale or balance for weighing or measuring a controlled substance;

(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;

- (8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana; 2665
2666
- (9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance; 2667
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- (10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance; 2669
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- (11) A container or device for storing or concealing a controlled substance; 2671
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- (12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body; 2673
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- (13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 2676
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- (B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following: 2687
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- (1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use; 2690
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- (2) The proximity in time or space of the equipment, 2692

product, or material, or of the act relating to the equipment,	2693
product, or material, to a violation of any provision of this	2694
chapter;	2695
(3) The proximity of the equipment, product, or material	2696
to any controlled substance;	2697
(4) The existence of any residue of a controlled substance	2698
on the equipment, product, or material;	2699
(5) Direct or circumstantial evidence of the intent of the	2700
owner, or of anyone in control, of the equipment, product, or	2701
material, to deliver it to any person whom the owner or person	2702
in control of the equipment, product, or material knows intends	2703
to use the object to facilitate a violation of any provision of	2704
this chapter. A finding that the owner, or anyone in control, of	2705
the equipment, product, or material, is not guilty of a	2706
violation of any other provision of this chapter does not	2707
prevent a finding that the equipment, product, or material was	2708
intended or designed by the offender for use as drug	2709
paraphernalia.	2710
(6) Any oral or written instruction provided with the	2711
equipment, product, or material concerning its use;	2712
(7) Any descriptive material accompanying the equipment,	2713
product, or material and explaining or depicting its use;	2714
(8) National or local advertising concerning the use of	2715
the equipment, product, or material;	2716
(9) The manner and circumstances in which the equipment,	2717
product, or material is displayed for sale;	2718
(10) Direct or circumstantial evidence of the ratio of the	2719
sales of the equipment, product, or material to the total sales	2720

of the business enterprise; 2721

(11) The existence and scope of legitimate uses of the 2722
equipment, product, or material in the community; 2723

(12) Expert testimony concerning the use of the equipment, 2724
product, or material. 2725

(C) (1) Subject to divisions (D) (2), (3), and (4) of this 2726
section, no person shall knowingly use, or possess with purpose 2727
to use, drug paraphernalia. 2728

(2) No person shall knowingly sell, or possess or 2729
manufacture with purpose to sell, drug paraphernalia, if the 2730
person knows or reasonably should know that the equipment, 2731
product, or material will be used as drug paraphernalia. 2732

(3) No person shall place an advertisement in any 2733
newspaper, magazine, handbill, or other publication that is 2734
published and printed and circulates primarily within this 2735
state, if the person knows that the purpose of the advertisement 2736
is to promote the illegal sale in this state of the equipment, 2737
product, or material that the offender intended or designed for 2738
use as drug paraphernalia. 2739

(D) (1) This section does not apply to manufacturers, 2740
licensed health professionals authorized to prescribe drugs, 2741
pharmacists, owners of pharmacies, and other persons whose 2742
conduct is in accordance with Chapters 3719., 4715., 4723., 2743
4729., 4730., 4731., and 4741. of the Revised Code. This section 2744
shall not be construed to prohibit the possession or use of a 2745
hypodermic as authorized by section 3719.172 of the Revised 2746
Code. 2747

(2) Division (C) (1) of this section does not apply to a 2748
person's use, or possession with purpose to use, any drug 2749

paraphernalia that is equipment, a product, or material of any 2750
kind that is used by the person, intended by the person for use, 2751
or designed for use in storing, containing, concealing, 2752
injecting, ingesting, inhaling, or otherwise introducing into 2753
the human body marihuana. 2754

(3) Division (B) (2) of section 2925.11 of the Revised Code 2755
applies with respect to a violation of division (C) (1) of this 2756
section when a person seeks or obtains medical assistance for 2757
another person who is experiencing a drug overdose, a person 2758
experiences a drug overdose and seeks medical assistance for 2759
that overdose, or a person is the subject of another person 2760
seeking or obtaining medical assistance for that overdose. 2761

(4) Division (C) (1) of this section does not apply to a 2762
person's use, or possession with purpose to use, any drug 2763
testing strips to determine the presence of fentanyl or a 2764
fentanyl-related compound. 2765

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2766
drug paraphernalia that was used, possessed, sold, or 2767
manufactured in a violation of this section shall be seized, 2768
after a conviction for that violation shall be forfeited, and 2769
upon forfeiture shall be disposed of pursuant to division (B) of 2770
section 2981.12 of the Revised Code. 2771

(F) (1) Whoever violates division (C) (1) of this section is 2772
guilty of illegal use or possession of drug paraphernalia, a 2773
misdemeanor of the fourth degree. 2774

(2) Except as provided in division (F) (3) of this section, 2775
whoever violates division (C) (2) of this section is guilty of 2776
dealing in drug paraphernalia, a misdemeanor of the second 2777
degree. 2778

(3) Whoever violates division (C) (2) of this section by 2779
selling drug paraphernalia to a juvenile is guilty of selling 2780
drug paraphernalia to juveniles, a misdemeanor of the first 2781
degree. 2782

(4) Whoever violates division (C) (3) of this section is 2783
guilty of illegal advertising of drug paraphernalia, a 2784
misdemeanor of the second degree. 2785

~~(G) (1) In addition to any other sanction imposed upon an 2786
offender for a violation of this section, the court may suspend 2787
for not more than five years the offender's driver's or 2788
commercial driver's license or permit. However, if the offender 2789
pleaded guilty to or was convicted of a violation of section 2790
4511.19 of the Revised Code or a substantially similar municipal 2791
ordinance or the law of another state or the United States 2792
arising out of the same set of circumstances as the violation, 2793
the court shall suspend the offender's driver's or commercial 2794
driver's license or permit for not more than five years. If the 2795
offender is a professionally licensed person, in addition to any 2796
other sanction imposed for a violation of this section, the 2797
court immediately shall comply with section 2925.38 of the 2798
Revised Code. 2799~~

If the offender has a driver's or commercial driver's 2800
license or permit, section 2929.33 of the Revised Code applies. 2801

(2) Any offender who received a mandatory suspension of 2802
the offender's driver's or commercial driver's license or permit 2803
under this section prior to September 13, 2016, may file a 2804
motion with the sentencing court requesting the termination of 2805
the suspension. However, an offender who pleaded guilty to or 2806
was convicted of a violation of section 4511.19 of the Revised 2807
Code or a substantially similar municipal ordinance or law of 2808

another state or the United States that arose out of the same 2809
set of circumstances as the violation for which the offender's 2810
license or permit was suspended under this section shall not 2811
file such a motion. 2812

Upon the filing of a motion under division (G)(2) of this 2813
section, the sentencing court, in its discretion, may terminate 2814
the suspension. 2815

Sec. 2925.22. (A) No person, by deception, shall procure 2816
the administration of, a prescription for, or the dispensing of, 2817
a dangerous drug or shall possess an uncompleted preprinted 2818
prescription blank used for writing a prescription for a 2819
dangerous drug. 2820

(B) Whoever violates this section is guilty of deception 2821
to obtain a dangerous drug. The penalty for the offense shall be 2822
determined as follows: 2823

(1) If the person possesses an uncompleted preprinted 2824
prescription blank used for writing a prescription for a 2825
dangerous drug or if the drug involved is a dangerous drug, 2826
except as otherwise provided in division (B)(2) or (3) of this 2827
section, deception to obtain a dangerous drug is a felony of the 2828
fifth degree or, if the offender previously has been convicted 2829
of or pleaded guilty to a drug abuse offense, a felony of the 2830
fourth degree. Division (C) of section 2929.13 of the Revised 2831
Code applies in determining whether to impose a prison term on 2832
the offender pursuant to this division. 2833

(2) If the drug involved is a compound, mixture, 2834
preparation, or substance included in schedule I or II, with the 2835
exception of marihuana, the penalty for deception to obtain 2836
drugs is one of the following: 2837

(a) Except as otherwise provided in division (B) (2) (b), 2838
(c), or (d) of this section, it is a felony of the fourth 2839
degree, and division (C) of section 2929.13 of the Revised Code 2840
applies in determining whether to impose a prison term on the 2841
offender. 2842

(b) If the amount of the drug involved equals or exceeds 2843
the bulk amount but is less than five times the bulk amount, or 2844
if the amount of the drug involved that could be obtained 2845
pursuant to the prescription would equal or exceed the bulk 2846
amount but would be less than five times the bulk amount, it is 2847
a felony of the third degree, and there is a presumption for a 2848
prison term for the offense. 2849

(c) If the amount of the drug involved equals or exceeds 2850
five times the bulk amount but is less than fifty times the bulk 2851
amount, or if the amount of the drug involved that could be 2852
obtained pursuant to the prescription would equal or exceed five 2853
times the bulk amount but would be less than fifty times the 2854
bulk amount, it is a felony of the second degree, and there is a 2855
presumption for a prison term for the offense. 2856

(d) If the amount of the drug involved equals or exceeds 2857
fifty times the bulk amount, or if the amount of the drug 2858
involved that could be obtained pursuant to the prescription 2859
would equal or exceed fifty times the bulk amount, it is a 2860
felony of the first degree, and there is a presumption for a 2861
prison term for the offense. 2862

(3) If the drug involved is a compound, mixture, 2863
preparation, or substance included in schedule III, IV, or V or 2864
is marihuana, the penalty for deception to obtain a dangerous 2865
drug is one of the following: 2866

(a) Except as otherwise provided in division (B) (3) (b), 2867
(c), or (d) of this section, it is a felony of the fifth degree, 2868
and division (C) of section 2929.13 of the Revised Code applies 2869
in determining whether to impose a prison term on the offender. 2870

(b) If the amount of the drug involved equals or exceeds 2871
the bulk amount but is less than five times the bulk amount, or 2872
if the amount of the drug involved that could be obtained 2873
pursuant to the prescription would equal or exceed the bulk 2874
amount but would be less than five times the bulk amount, it is 2875
a felony of the fourth degree, and division (C) of section 2876
2929.13 of the Revised Code applies in determining whether to 2877
impose a prison term on the offender. 2878

(c) If the amount of the drug involved equals or exceeds 2879
five times the bulk amount but is less than fifty times the bulk 2880
amount, or if the amount of the drug involved that could be 2881
obtained pursuant to the prescription would equal or exceed five 2882
times the bulk amount but would be less than fifty times the 2883
bulk amount, it is a felony of the third degree, and there is a 2884
presumption for a prison term for the offense. 2885

(d) If the amount of the drug involved equals or exceeds 2886
fifty times the bulk amount, or if the amount of the drug 2887
involved that could be obtained pursuant to the prescription 2888
would equal or exceed fifty times the bulk amount, it is a 2889
felony of the second degree, and there is a presumption for a 2890
prison term for the offense. 2891

~~(C) (1) In addition to any prison term authorized or 2892
required by division (B) of this section and sections 2929.13- 2893
and 2929.14 of the Revised Code and in addition to any other 2894
sanction imposed for the offense under this section or sections- 2895
2929.11 to 2929.18 of the Revised Code, the court that sentences- 2896~~

~~an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~

If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38 of the Revised Code.

If the offender has a driver's or commercial driver's license or permit, section 2929.33 of the Revised Code applies.

(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to ~~the effective date of this amendment~~ September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (C) (2) of this section, the sentencing court, in its discretion, may terminate the suspension.

(D) Notwithstanding any contrary provision of section 2927
3719.21 of the Revised Code, the clerk of the court shall pay a 2928
fine imposed for a violation of this section pursuant to 2929
division (A) of section 2929.18 of the Revised Code in 2930
accordance with and subject to the requirements of division (F) 2931
of section 2925.03 of the Revised Code. The agency that receives 2932
the fine shall use the fine as specified in division (F) of 2933
section 2925.03 of the Revised Code. 2934

Sec. 2925.23. (A) No person shall knowingly make a false 2935
statement in any prescription, order, report, or record required 2936
by Chapter 3719. or 4729. of the Revised Code. 2937

(B) No person shall intentionally make, utter, or sell, or 2938
knowingly possess any of the following that is a false or 2939
forged: 2940

(1) Prescription; 2941

(2) Uncompleted preprinted prescription blank used for 2942
writing a prescription; 2943

(3) Official written order; 2944

(4) License for a terminal distributor of dangerous drugs, 2945
as defined in section 4729.01 of the Revised Code; 2946

(5) License for a manufacturer of dangerous drugs, 2947
outsourcing facility, third-party logistics provider, repackager 2948
of dangerous drugs, or wholesale distributor of dangerous drugs, 2949
as defined in section 4729.01 of the Revised Code. 2950

(C) No person, by theft as defined in section 2913.02 of 2951
the Revised Code, shall acquire any of the following: 2952

(1) A prescription; 2953

(2) An uncompleted preprinted prescription blank used for writing a prescription;	2954 2955
(3) An official written order;	2956
(4) A blank official written order;	2957
(5) A license or blank license for a terminal distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code;	2958 2959 2960
(6) A license or blank license for a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, or wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code.	2961 2962 2963 2964 2965
(D) No person shall knowingly make or affix any false or forged label to a package or receptacle containing any dangerous drugs.	2966 2967 2968
(E) Divisions (A) and (D) of this section do not apply to licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code.	2969 2970 2971 2972 2973
(F) Whoever violates this section is guilty of illegal processing of drug documents. If the offender violates division (B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this section, illegal processing of drug documents is a felony of the fifth degree. If the offender violates division (A), division (B) (1) or (3), division (C) (1) or (3), or division (D) of this section, the penalty for illegal processing of drug documents shall be determined as follows:	2974 2975 2976 2977 2978 2979 2980 2981

(1) If the drug involved is a compound, mixture, preparation, or substance included in schedule I or II, with the exception of marihuana, illegal processing of drug documents is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

(2) If the drug involved is a dangerous drug or a compound, mixture, preparation, or substance included in schedule III, IV, or V or is marihuana, illegal processing of drug documents is a felony of the fifth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

~~(G) (1) In addition to any prison term authorized or required by division (F) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to any violation of divisions (A) to (D) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or the law of another state or the United States arising out of the same set of circumstances as the violation, the court shall suspend the offender's driver's or commercial driver's license or permit for not more than five years.~~

If the offender is a professionally licensed person, in addition to any other sanction imposed for a violation of this section, the court immediately shall comply with section 2925.38

of the Revised Code. 3012

If the offender has a driver's or commercial driver's 3013
license or permit, section 2929.33 of the Revised Code applies. 3014

(2) Any offender who received a mandatory suspension of 3015
the offender's driver's or commercial driver's license or permit 3016
under this section prior to September 13, 2016, may file a 3017
motion with the sentencing court requesting the termination of 3018
the suspension. However, an offender who pleaded guilty to or 3019
was convicted of a violation of section 4511.19 of the Revised 3020
Code or a substantially similar municipal ordinance or law of 3021
another state or the United States that arose out of the same 3022
set of circumstances as the violation for which the offender's 3023
license or permit was suspended under this section shall not 3024
file such a motion. 3025

Upon the filing of a motion under division (G)(2) of this 3026
section, the sentencing court, in its discretion, may terminate 3027
the suspension. 3028

(H) Notwithstanding any contrary provision of section 3029
3719.21 of the Revised Code, the clerk of court shall pay a fine 3030
imposed for a violation of this section pursuant to division (A) 3031
of section 2929.18 of the Revised Code in accordance with and 3032
subject to the requirements of division (F) of section 2925.03 3033
of the Revised Code. The agency that receives the fine shall use 3034
the fine as specified in division (F) of section 2925.03 of the 3035
Revised Code. 3036

Sec. 2925.31. (A) Except for lawful research, clinical, 3037
medical, dental, or veterinary purposes, no person, with purpose 3038
to induce intoxication or similar physiological effects, shall 3039
obtain, possess, or use a harmful intoxicant. 3040

(B) Whoever violates this section is guilty of abusing 3041
harmful intoxicants, a misdemeanor of the first degree. If the 3042
offender previously has been convicted of a drug abuse offense, 3043
abusing harmful intoxicants is a felony of the fifth degree. 3044

(C) ~~(1) In addition to any other sanction imposed upon an 3045
offender for a violation of this section, the court may suspend 3046
for not more than five years the offender's driver's or 3047
commercial driver's license or permit. However, if the offender 3048
pleaded guilty to or was convicted of a violation of section 3049
4511.19 of the Revised Code or a substantially similar municipal 3050
ordinance or the law of another state or the United States 3051
arising out of the same set of circumstances as the violation, 3052
the court shall suspend the offender's driver's or commercial 3053
driver's license or permit for not more than five years. If 3054~~

the offender is a professionally licensed person, in 3055
addition to any other sanction imposed for a violation of this 3056
section, the court immediately shall comply with section 2925.38 3057
of the Revised Code. 3058

If the offender has a driver's or commercial driver's 3059
license or permit, section 2929.33 of the Revised Code applies. 3060

(2) Any offender who received a mandatory suspension of 3061
the offender's driver's or commercial driver's license or permit 3062
under this section prior to ~~the effective date of this amendment 3063
September 13, 2016,~~ may file a motion with the sentencing court 3064
requesting the termination of the suspension. However, an 3065
offender who pleaded guilty to or was convicted of a violation 3066
of section 4511.19 of the Revised Code or a substantially 3067
similar municipal ordinance or law of another state or the 3068
United States that arose out of the same set of circumstances as 3069
the violation for which the offender's license or permit was 3070

suspended under this section shall not file such a motion. 3071

Upon the filing of a motion under division (C) (2) of this 3072
section, the sentencing court, in its discretion, may terminate 3073
the suspension. 3074

Sec. 2925.32. (A) Divisions (A) (1) and (2) of this section 3075
do not apply to the dispensing or distributing of nitrous oxide. 3076

(1) No person shall knowingly dispense or distribute a 3077
harmful intoxicant to a person age eighteen or older if the 3078
person who dispenses or distributes it knows or has reason to 3079
believe that the harmful intoxicant will be used in violation of 3080
section 2925.31 of the Revised Code. 3081

(2) No person shall knowingly dispense or distribute a 3082
harmful intoxicant to a person under age eighteen if the person 3083
who dispenses or distributes it knows or has reason to believe 3084
that the harmful intoxicant will be used in violation of section 3085
2925.31 of the Revised Code. Division (A) (2) of this section 3086
does not prohibit either of the following: 3087

(a) Dispensing or distributing a harmful intoxicant to a 3088
person under age eighteen if a written order from the juvenile's 3089
parent or guardian is provided to the dispenser or distributor; 3090

(b) Dispensing or distributing gasoline or diesel fuel to 3091
a person under age eighteen if the dispenser or distributor does 3092
not know or have reason to believe the product will be used in 3093
violation of section 2925.31 of the Revised Code. Division (A) 3094
(2) (a) of this section does not require a person to obtain a 3095
written order from the parent or guardian of a person under age 3096
eighteen in order to distribute or dispense gasoline or diesel 3097
fuel to the person. 3098

(B) (1) No person shall knowingly dispense or distribute 3099

nitrous oxide to a person age twenty-one or older if the person 3100
who dispenses or distributes it knows or has reason to believe 3101
the nitrous oxide will be used in violation of section 2925.31 3102
of the Revised Code. 3103

(2) Except for lawful medical, dental, or clinical 3104
purposes, no person shall knowingly dispense or distribute 3105
nitrous oxide to a person under age twenty-one. 3106

(3) No person, at the time a cartridge of nitrous oxide is 3107
sold to another person, shall sell a device that allows the 3108
purchaser to inhale nitrous oxide from cartridges or to hold 3109
nitrous oxide released from cartridges for purposes of 3110
inhalation. The sale of any such device constitutes a rebuttable 3111
presumption that the person knew or had reason to believe that 3112
the purchaser intended to abuse the nitrous oxide. 3113

(4) No person who dispenses or distributes nitrous oxide 3114
in cartridges shall fail to comply with either of the following: 3115

(a) The record-keeping requirements established under 3116
division (F) of this section; 3117

(b) The labeling and transaction identification 3118
requirements established under division (G) of this section. 3119

(C) This section does not apply to products used in 3120
making, fabricating, assembling, transporting, or constructing a 3121
product or structure by manual labor or machinery for sale or 3122
lease to another person, or to the mining, refining, or 3123
processing of natural deposits. 3124

(D) (1) (a) Whoever violates division (A) (1) or (2) or 3125
division (B) (1), (2), or (3) of this section is guilty of 3126
trafficking in harmful intoxicants, a felony of the fifth 3127
degree. If the offender previously has been convicted of a drug 3128

abuse offense, trafficking in harmful intoxicants is a felony of 3129
the fourth degree. ~~In addition to any other sanction imposed~~ 3130
~~upon an offender for trafficking in harmful intoxicants, the~~ 3131
~~court may suspend for not more than five years the offender's~~ 3132
~~driver's or commercial driver's license or permit. However, if~~ 3133
~~the offender pleaded guilty to or was convicted of a violation~~ 3134
~~of section 4511.19 of the Revised Code or a substantially~~ 3135
~~similar municipal ordinance or the law of another state or the~~ 3136
~~United States arising out of the same set of circumstances as~~ 3137
~~the violation, the court shall suspend the offender's driver's~~ 3138
~~or commercial driver's license or permit for not more than five~~ 3139
~~years. If~~ 3140

If the offender is a professionally licensed person, in 3141
addition to any other sanction imposed for trafficking in 3142
harmful intoxicants, the court immediately shall comply with 3143
section 2925.38 of the Revised Code. 3144

If the offender has a driver's or commercial driver's 3145
license or permit, section 2929.33 of the Revised Code applies. 3146

(b) Any offender who received a mandatory suspension of 3147
the offender's driver's or commercial driver's license or permit 3148
under this section prior to ~~the effective date of this amendment~~ 3149
September 13, 2016, may file a motion with the sentencing court 3150
requesting the termination of the suspension. However, an 3151
offender who pleaded guilty to or was convicted of a violation 3152
of section 4511.19 of the Revised Code or a substantially 3153
similar municipal ordinance or law of another state or the 3154
United States that arose out of the same set of circumstances as 3155
the violation for which the offender's license or permit was 3156
suspended under this section shall not file such a motion. 3157

Upon the filing of a motion under division (D) (1) (b) of 3158

this section, the sentencing court, in its discretion, may 3159
terminate the suspension. 3160

(2) Whoever violates division (B) (4) (a) or (b) of this 3161
section is guilty of improperly dispensing or distributing 3162
nitrous oxide, a misdemeanor of the fourth degree. 3163

(E) It is an affirmative defense to a charge of a 3164
violation of division (A) (2) or (B) (2) of this section that: 3165

(1) An individual exhibited to the defendant or an officer 3166
or employee of the defendant, for purposes of establishing the 3167
individual's age, a driver's license or permit issued by this 3168
state, a commercial driver's license or permit issued by this 3169
state, an identification card issued pursuant to section 4507.50 3170
of the Revised Code, for another document that purports to be a 3171
license, permit, or identification card described in this 3172
division; 3173

(2) The document exhibited appeared to be a genuine, 3174
unaltered document, to pertain to the individual, and to 3175
establish the individual's age; 3176

(3) The defendant or the officer or employee of the 3177
defendant otherwise did not have reasonable cause to believe 3178
that the individual was under the age represented. 3179

(F) Beginning July 1, 2001, a person who dispenses or 3180
distributes nitrous oxide shall record each transaction 3181
involving the dispensing or distributing of the nitrous oxide on 3182
a separate card. The person shall require the purchaser to sign 3183
the card and provide a complete residence address. The person 3184
dispensing or distributing the nitrous oxide shall sign and date 3185
the card. The person shall retain the card recording a 3186
transaction for one year from the date of the transaction. The 3187

person shall maintain the cards at the person's business address 3188
and make them available during normal business hours for 3189
inspection and copying by officers or employees of the state 3190
board of pharmacy or of other law enforcement agencies of this 3191
state or the United States that are authorized to investigate 3192
violations of Chapter 2925., 3719., or 4729. of the Revised Code 3193
or the federal drug abuse control laws. 3194

The cards used to record each transaction shall inform the 3195
purchaser of the following: 3196

(1) That nitrous oxide cartridges are to be used only for 3197
purposes of preparing food; 3198

(2) That inhalation of nitrous oxide can have dangerous 3199
health effects; 3200

(3) That it is a violation of state law to distribute or 3201
dispense cartridges of nitrous oxide to any person under age 3202
twenty-one, punishable as a felony of the fifth degree. 3203

(G) (1) Each cartridge of nitrous oxide dispensed or 3204
distributed in this state shall bear the following printed 3205
warning: 3206

"Nitrous oxide cartridges are to be used only for purposes 3207
of preparing food. Nitrous oxide cartridges may not be sold to 3208
persons under age twenty-one. Do not inhale contents. Misuse can 3209
be dangerous to your health." 3210

(2) Each time a person dispenses or distributes one or 3211
more cartridges of nitrous oxide, the person shall mark the 3212
packaging containing the cartridges with a label or other device 3213
that identifies the person who dispensed or distributed the 3214
nitrous oxide and the person's business address. 3215

Sec. 2925.36. (A) No person shall knowingly furnish 3216
another a sample drug. 3217

(B) Division (A) of this section does not apply to 3218
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3219
licensed health professionals authorized to prescribe drugs, and 3220
other persons whose conduct is in accordance with Chapters 3221
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3222
the Revised Code. 3223

(C) (1) Whoever violates this section is guilty of illegal 3224
dispensing of drug samples. 3225

(2) If the drug involved in the offense is a compound, 3226
mixture, preparation, or substance included in schedule I or II, 3227
with the exception of marihuana, the penalty for the offense 3228
shall be determined as follows: 3229

(a) Except as otherwise provided in division (C) (2) (b) of 3230
this section, illegal dispensing of drug samples is a felony of 3231
the fifth degree, and, subject to division (E) of this section, 3232
division (C) of section 2929.13 of the Revised Code applies in 3233
determining whether to impose a prison term on the offender. 3234

(b) If the offense was committed in the vicinity of a 3235
school or in the vicinity of a juvenile, illegal dispensing of 3236
drug samples is a felony of the fourth degree, and, subject to 3237
division (E) of this section, division (C) of section 2929.13 of 3238
the Revised Code applies in determining whether to impose a 3239
prison term on the offender. 3240

(3) If the drug involved in the offense is a dangerous 3241
drug or a compound, mixture, preparation, or substance included 3242
in schedule III, IV, or V, or is marihuana, the penalty for the 3243
offense shall be determined as follows: 3244

(a) Except as otherwise provided in division (C) (3) (b) of 3245
this section, illegal dispensing of drug samples is a 3246
misdemeanor of the second degree. 3247

(b) If the offense was committed in the vicinity of a 3248
school or in the vicinity of a juvenile, illegal dispensing of 3249
drug samples is a misdemeanor of the first degree. 3250

~~(D) (1) In addition to any prison term authorized or 3251
required by division (C) or (E) of this section and sections 3252
2929.13 and 2929.14 of the Revised Code and in addition to any 3253
other sanction imposed for the offense under this section or 3254
sections 2929.11 to 2929.18 of the Revised Code, the court that 3255
sentences an offender who is convicted of or pleads guilty to a 3256
violation of division (A) of this section may suspend for not 3257
more than five years the offender's driver's or commercial 3258
driver's license or permit. However, if the offender pleaded 3259
guilty to or was convicted of a violation of section 4511.19 of 3260
the Revised Code or a substantially similar municipal ordinance 3261
or the law of another state or the United States arising out of 3262
the same set of circumstances as the violation, the court shall 3263
suspend the offender's driver's or commercial driver's license 3264
or permit for not more than five years. 3265~~

If the offender is a professionally licensed person, in 3266
addition to any other sanction imposed for a violation of this 3267
section, the court immediately shall comply with section 2925.38 3268
of the Revised Code. 3269

If the offender has a driver's or commercial driver's 3270
license or permit, section 2929.33 of the Revised Code applies. 3271

(2) Any offender who received a mandatory suspension of 3272
the offender's driver's or commercial driver's license or permit 3273

under this section prior to September 13, 2016, may file a 3274
motion with the sentencing court requesting the termination of 3275
the suspension. However, an offender who pleaded guilty to or 3276
was convicted of a violation of section 4511.19 of the Revised 3277
Code or a substantially similar municipal ordinance or law of 3278
another state or the United States that arose out of the same 3279
set of circumstances as the violation for which the offender's 3280
license or permit was suspended under this section shall not 3281
file such a motion. 3282

Upon the filing of a motion under division (D) (2) of this 3283
section, the sentencing court, in its discretion, may terminate 3284
the suspension. 3285

(E) Notwithstanding the prison term authorized or required 3286
by division (C) of this section and sections 2929.13 and 2929.14 3287
of the Revised Code, if the violation of division (A) of this 3288
section involves the sale, offer to sell, or possession of a 3289
schedule I or II controlled substance, with the exception of 3290
marihuana, and if the court imposing sentence upon the offender 3291
finds that the offender as a result of the violation is a major 3292
drug offender and is guilty of a specification of the type 3293
described in division (A) of section 2941.1410 of the Revised 3294
Code, the court, in lieu of the prison term otherwise authorized 3295
or required, shall impose upon the offender the mandatory prison 3296
term specified in division (B) (3) (a) of section 2929.14 of the 3297
Revised Code. 3298

(F) Notwithstanding any contrary provision of section 3299
3719.21 of the Revised Code, the clerk of the court shall pay a 3300
fine imposed for a violation of this section pursuant to 3301
division (A) of section 2929.18 of the Revised Code in 3302
accordance with and subject to the requirements of division (F) 3303

of section 2925.03 of the Revised Code. The agency that receives 3304
the fine shall use the fine as specified in division (F) of 3305
section 2925.03 of the Revised Code. 3306

Sec. 2925.37. (A) No person shall knowingly possess any 3307
counterfeit controlled substance. 3308

(B) No person shall knowingly make, sell, offer to sell, 3309
or deliver any substance that the person knows is a counterfeit 3310
controlled substance. 3311

(C) No person shall make, possess, sell, offer to sell, or 3312
deliver any punch, die, plate, stone, or other device knowing or 3313
having reason to know that it will be used to print or reproduce 3314
a trademark, trade name, or other identifying mark upon a 3315
counterfeit controlled substance. 3316

(D) No person shall sell, offer to sell, give, or deliver 3317
any counterfeit controlled substance to a juvenile. 3318

(E) No person shall directly or indirectly represent a 3319
counterfeit controlled substance as a controlled substance by 3320
describing its effects as the physical or psychological effects 3321
associated with use of a controlled substance. 3322

(F) No person shall directly or indirectly falsely 3323
represent or advertise a counterfeit controlled substance as a 3324
controlled substance. As used in this division, "advertise" 3325
means engaging in "advertisement," as defined in section 3715.01 3326
of the Revised Code. 3327

(G) Whoever violates division (A) of this section is 3328
guilty of possession of counterfeit controlled substances, a 3329
misdemeanor of the first degree. 3330

(H) Whoever violates division (B) or (C) of this section 3331

is guilty of trafficking in counterfeit controlled substances. 3332
Except as otherwise provided in this division, trafficking in 3333
counterfeit controlled substances is a felony of the fifth 3334
degree, and division (C) of section 2929.13 of the Revised Code 3335
applies in determining whether to impose a prison term on the 3336
offender. If the offense was committed in the vicinity of a 3337
school or in the vicinity of a juvenile, trafficking in 3338
counterfeit controlled substances is a felony of the fourth 3339
degree, and division (C) of section 2929.13 of the Revised Code 3340
applies in determining whether to impose a prison term on the 3341
offender. 3342

(I) Whoever violates division (D) of this section is 3343
guilty of aggravated trafficking in counterfeit controlled 3344
substances. Except as otherwise provided in this division, 3345
aggravated trafficking in counterfeit controlled substances is a 3346
felony of the fourth degree, and division (C) of section 2929.13 3347
of the Revised Code applies in determining whether to impose a 3348
prison term on the offender. 3349

(J) Whoever violates division (E) of this section is 3350
guilty of promoting and encouraging drug abuse. Except as 3351
otherwise provided in this division, promoting and encouraging 3352
drug abuse is a felony of the fifth degree, and division (C) of 3353
section 2929.13 of the Revised Code applies in determining 3354
whether to impose a prison term on the offender. If the offense 3355
was committed in the vicinity of a school or in the vicinity of 3356
a juvenile, promoting and encouraging drug abuse is a felony of 3357
the fourth degree, and division (C) of section 2929.13 of the 3358
Revised Code applies in determining whether to impose a prison 3359
term on the offender. 3360

(K) Whoever violates division (F) of this section is 3361

guilty of fraudulent drug advertising. Except as otherwise 3362
provided in this division, fraudulent drug advertising is a 3363
felony of the fifth degree, and division (C) of section 2929.13 3364
of the Revised Code applies in determining whether to impose a 3365
prison term on the offender. If the offense was committed in the 3366
vicinity of a school or in the vicinity of a juvenile, 3367
fraudulent drug advertising is a felony of the fourth degree, 3368
and division (C) of section 2929.13 of the Revised Code applies 3369
in determining whether to impose a prison term on the offender. 3370

~~(L) (1) In addition to any prison term authorized or 3371
required by divisions (H) to (K) of this section and sections 3372
2929.13 and 2929.14 of the Revised Code and in addition to any 3373
other sanction imposed for the offense under this section or 3374
sections 2929.11 to 2929.18 of the Revised Code, the court that 3375
sentences an offender who is convicted of or pleads guilty to a 3376
violation of division (B), (C), (D), (E), or (F) of this section 3377
may suspend for not more than five years the offender's driver's 3378
or commercial driver's license or permit. However, if the 3379
offender pleaded guilty to or was convicted of a violation of 3380
section 4511.19 of the Revised Code or a substantially similar 3381
municipal ordinance or the law of another state or the United 3382
States arising out of the same set of circumstances as the 3383
violation, the court shall suspend the offender's driver's or 3384
commercial driver's license or permit for not more than five 3385
years. 3386~~

If the offender is a professionally licensed person, in 3387
addition to any other sanction imposed for a violation of this 3388
section, the court immediately shall comply with section 2925.38 3389
of the Revised Code. 3390

If the offender has a driver's or commercial driver's 3391

license or permit, section 2929.33 of the Revised Code applies. 3392

(2) Any offender who received a mandatory suspension of 3393
the offender's driver's or commercial driver's license or permit 3394
under this section prior to ~~the effective date of this amendment~~ 3395
September 13, 2016, may file a motion with the sentencing court 3396
requesting the termination of the suspension. However, an 3397
offender who pleaded guilty to or was convicted of a violation 3398
of section 4511.19 of the Revised Code or a substantially 3399
similar municipal ordinance or law of another state or the 3400
United States that arose out of the same set of circumstances as 3401
the violation for which the offender's license or permit was 3402
suspended under this section shall not file such a motion. 3403

Upon the filing of a motion under division (L)(2) of this 3404
section, the sentencing court, in its discretion, may terminate 3405
the suspension. 3406

(M) Notwithstanding any contrary provision of section 3407
3719.21 of the Revised Code, the clerk of the court shall pay a 3408
fine imposed for a violation of this section pursuant to 3409
division (A) of section 2929.18 of the Revised Code in 3410
accordance with and subject to the requirements of division (F) 3411
of section 2925.03 of the Revised Code. The agency that receives 3412
the fine shall use the fine as specified in division (F) of 3413
section 2925.03 of the Revised Code. 3414

Sec. 2929.33. (A) As used in this section, "drug abuse 3415
offense" means a violation of section 2925.02, 2925.03, 2925.04, 3416
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 3417
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 3418
Revised Code. 3419

(B)(1) Except as provided in division (B)(2) of this 3420

section, a court that sentences an offender who is convicted of 3421
or pleads guilty to a drug abuse offense and who used a vehicle 3422
to further the commission of the offense may suspend the 3423
driver's or commercial driver's license or permit of the 3424
offender in accordance with division (C) of this section. 3425

(2) If an offender pleaded guilty to or was convicted of a 3426
violation of section 4511.19 of the Revised Code or a 3427
substantially similar municipal ordinance or the law of another 3428
state or the United States arising out of the same set of 3429
circumstances as the drug abuse offense, the court shall suspend 3430
the offender's driver's or commercial driver's license or permit 3431
in accordance with division (C) of this section. 3432

(C) (1) If the sentencing court suspends the offender's 3433
driver's or commercial driver's license or permit under division 3434
(B) of this section, the court shall suspend the license, by 3435
order, for not more than five years. 3436

(2) If an offender's driver's or commercial driver's 3437
license or permit is suspended pursuant to this section, the 3438
offender, at any time after the expiration of two years from the 3439
day on which the offender's sentence was imposed or from the day 3440
on which the offender finally was released from a jail or prison 3441
term under the sentence, whichever is later, may file a motion 3442
with the sentencing court requesting termination of the 3443
suspension. Upon the filing of such a motion and the court's 3444
finding of good cause for the termination, the court may 3445
terminate the suspension. 3446

Sec. 2935.26. (A) Notwithstanding any other provision of 3447
the Revised Code, when a law enforcement officer is otherwise 3448
authorized to arrest a person for the commission of a minor 3449
misdemeanor, the officer shall not arrest the person, but shall 3450

issue a citation, unless one of the following applies:	3451
(1) The offender requires medical care or is unable to provide for his <u>the offender's</u> own safety.	3452 3453
(2) The offender cannot or will not offer satisfactory evidence of his <u>the offender's</u> identity.	3454 3455
(3) The offender refuses to sign the citation.	3456
(4) The offender has previously been issued a citation for the commission of that misdemeanor and has failed to do one of the following:	3457 3458 3459
(a) Appear at the time and place stated in the citation;	3460
(b) Comply with division (C) of this section.	3461
(B) The citation shall contain all of the following:	3462
(1) The name and address of the offender;	3463
(2) A description of the offense and the numerical designation of the applicable statute or ordinance;	3464 3465
(3) The name of the person issuing the citation;	3466
(4) An order for the offender to appear at a stated time and place;	3467 3468
(5) A notice that the offender may comply with division (C) of this section in lieu of appearing at the stated time and place;	3469 3470 3471
(6) A notice that the offender is required to do one of the following and that he <u>the offender</u> may be arrested if he <u>the offender</u> fails to do one of them:	3472 3473 3474
(a) Appear at the time and place stated in the citation;	3475

(b) Comply with division (C) of this section. 3476

(C) In lieu of appearing at the time and place stated in 3477
the citation, the offender may, within seven days after the date 3478
of issuance of the citation, do either of the following: 3479

(1) Appear in person at the office of the clerk of the 3480
court stated in the citation, sign a plea of guilty and a waiver 3481
of trial provision that is on the citation, and either pay the 3482
total amount of the fine and costs or enter into an installment
payment plan with the clerk of the court; 3484

(2) Sign the guilty plea and waiver of trial provision of 3485
the citation, and mail the citation and a check or money order 3486
for the total amount of the fine and costs to the office of the 3487
clerk of the court stated in the citation. 3488

Remittance by mail of the fine and costs to the office of 3489
the clerk of the court stated in the citation constitutes a 3490
guilty plea and waiver of trial whether or not the guilty plea 3491
and waiver of trial provision of the citation are signed by the 3492
defendant. 3493

(D) A law enforcement officer who issues a citation shall 3494
complete and sign the citation form, serve a copy of the 3495
completed form upon the offender and, without unnecessary delay, 3496
file the original citation with the court having jurisdiction 3497
over the offense. 3498

(E) Each court shall establish a fine schedule that shall 3499
list the fine for each minor misdemeanor, and state the court 3500
costs. The fine schedule shall be prominently posted in the 3501
place where minor misdemeanor fines are paid. 3502

(F) If an offender fails to appear and does not comply 3503
with division (C) of this section, the court ~~may~~shall issue a 3504

supplemental citation, ~~or~~. If an offender still fails to appear 3505
and does not comply with division (C) of this section within the 3506
thirty days after issuance of the supplemental citation, the 3507
court may issue a summons or warrant for the arrest of the 3508
offender pursuant to the Criminal Rules. Supplemental citations 3509
shall be in the form prescribed by division (B) of this section, 3510
but shall be issued and signed by the clerk of the court at 3511
which the citation directed the offender to appear and ~~shall may~~ 3512
be sent to the offender through electronic means or may be 3513
served in the same manner as a summons. 3514

(G) A summons or warrant for the arrest of an offender who 3515
failed to comply with division (C) of this section shall be 3516
cancelled by the court if the offender enters into an 3517
installment payment plan with the clerk of the court that issued 3518
the summons or warrant for the payment of the fine and costs. 3519

Sec. 2935.27. (A) (1) If a law enforcement officer issues a 3520
citation to a person pursuant to section 2935.26 of the Revised 3521
Code and if the minor misdemeanor offense for which the citation 3522
is issued is an act prohibited by Chapter 4511., 4513., or 4549. 3523
of the Revised Code or an act prohibited by any municipal 3524
ordinance that is substantially similar to any section contained 3525
in Chapter 4511., 4513., or 4549. of the Revised Code, the 3526
officer shall inform the person, if the person has a current 3527
valid Ohio driver's or commercial driver's license, of the 3528
possible consequences of the person's actions as required under 3529
division (E) of this section, and also shall inform the person 3530
that the person is required either to appear at the time and 3531
place stated in the citation or to comply with division (C) of 3532
section 2935.26 of the Revised Code. 3533

~~(2) If the person is an Ohio resident but does not have a~~ 3534

~~current valid Ohio driver's or commercial driver's license or if~~ 3535
~~the person is a resident of a state that is not a member of the~~ 3536
~~nonresident violator compact of which this state is a member~~ 3537
~~pursuant to section 4510.71 of the Revised Code, and if the~~ 3538
~~court, by local rule, has prescribed a procedure for the setting~~ 3539
~~of a reasonable security pursuant to division (F) of this~~ 3540
~~section, security shall be set in accordance with that local~~ 3541
~~rule and that division.~~ 3542

A court by local rule may prescribe a procedure for the 3543
setting of reasonable security as described in this division. ~~As~~ 3544
A court setting security under this division shall do so in 3545
conformity with sections 2937.22 and 2937.23 of the Revised Code 3546
and the Rules of Criminal Procedure. 3547

As an alternative to this procedure, a court by local rule 3548
may prescribe a procedure for the setting of a reasonable 3549
security by the person without the person appearing before the 3550
court. 3551

(B) A person who has security set under division (A) (2) of 3552
this section shall be given a receipt or other evidence of the 3553
deposit of the security by the court. 3554

(C) Upon compliance with division (C) of section 2935.26 3555
of the Revised Code by a person who was issued a citation, the 3556
clerk of the court shall notify the court. The court shall 3557
immediately return any sum of money, ~~license,~~ or other security 3558
deposited in relation to the citation to the person, or to any 3559
other person who deposited the security. 3560

(D) If a person who has a current valid Ohio driver's or 3561
commercial driver's license and who was issued a citation fails 3562
to appear at the time and place specified on the citation, or 3563

fails to comply with division (C) of section 2935.26 of the Revised Code, ~~or fails to comply with or satisfy any judgment of the court within the time allowed by the court,~~ the court shall declare the forfeiture of the person's license. Thirty days after the declaration of forfeiture, the court shall enter information relative to the forfeiture on a form approved and furnished by the registrar of motor vehicles, and forward the form to the registrar. The registrar shall suspend the person's driver's or commercial driver's license, send written notification of the suspension to the person at the person's last known address, and order the person to surrender the person's driver's or commercial driver's license to the registrar within forty-eight hours. No valid driver's or commercial driver's license shall be granted to the person until the court having jurisdiction of the offense that led to the forfeiture orders that the forfeiture be terminated. The court shall so order if the person, after having failed to appear in court at the required time and place to answer the charge ~~or after having pleaded guilty to or been found guilty of the violation and having failed within the time allowed by the court to pay the fine imposed by the court,~~ thereafter appears to answer the charge ~~and pays any fine imposed by the court or pays the fine originally imposed by the court.~~ The court shall inform the registrar of the termination of the forfeiture by entering information relative to the termination on a form approved and furnished by the registrar and sending the form to the registrar as provided in this division. The person shall pay to the bureau of motor vehicles a fifteen-dollar reinstatement fee to cover the costs of the bureau in administering this section. The registrar shall deposit the fees so paid into the public safety - highway purposes fund created by section 4501.06 of the Revised Code.

In addition, upon receipt of the copy of the declaration 3596
of forfeiture from the court, neither the registrar nor any 3597
deputy registrar shall accept any application for the 3598
registration or transfer of registration of any motor vehicle 3599
owned or leased by the person named in the declaration of 3600
forfeiture until the court having jurisdiction of the offense 3601
that led to the forfeiture orders that the forfeiture be 3602
terminated. However, for a motor vehicle leased by a person 3603
named in a declaration of forfeiture, the registrar shall not 3604
implement the preceding sentence until the registrar adopts 3605
procedures for that implementation under section 4503.39 of the 3606
Revised Code. Upon receipt by the registrar of an order 3607
terminating the forfeiture, the registrar shall take such 3608
measures as may be necessary to permit the person to register a 3609
motor vehicle owned or leased by the person or to transfer the 3610
registration of such a motor vehicle, if the person later makes 3611
application to take such action and the person otherwise is 3612
eligible to register the motor vehicle or to transfer the 3613
registration of it. 3614

The registrar is not required to give effect to any 3615
declaration of forfeiture or order terminating a forfeiture 3616
unless the order is transmitted to the registrar by means of an 3617
electronic transfer system. The registrar shall not restore the 3618
person's driving or vehicle registration privileges until the 3619
person pays the reinstatement fee as provided in this division. 3620

If the person who was issued the citation fails to appear 3621
at the time and place specified on the citation and fails to 3622
comply with division (C) of section 2935.26 of the Revised Code 3623
and the person has deposited a sum of money or other security in 3624
relation to the citation under division (A) (2) of this section, 3625
the deposit immediately shall be forfeited to the court. 3626

This section does not preclude further action as 3627
authorized by division (F) of section 2935.26 of the Revised 3628
Code. 3629

(E) A law enforcement officer who issues a person a minor 3630
misdemeanor citation for an act prohibited by Chapter 4511., 3631
4513., or 4549. of the Revised Code or an act prohibited by a 3632
municipal ordinance that is substantially similar to any section 3633
contained in Chapter 4511., 4513., or 4549. of the Revised Code 3634
shall inform the person that if the person does not appear at 3635
the time and place stated on the citation or does not comply 3636
with division (C) of section 2935.26 of the Revised Code, the 3637
person's driver's or commercial driver's license will be 3638
suspended, the person will not be eligible for the reissuance of 3639
the license or the issuance of a new license or the issuance of 3640
a certificate of registration for a motor vehicle owned or 3641
leased by the person, until the person appears and complies with 3642
all orders of the court. The person also is subject to any 3643
applicable criminal penalties. 3644

~~(F) A court setting security under division (A) (2) of this 3645
section shall do so in conformity with sections 2937.22 and 3646
2937.23 of the Revised Code and the Rules of Criminal Procedure. 3647~~

Sec. 2937.40. (A) Bail of any type that is deposited under 3648
section 2937.011 or sections 2937.22 to 2937.45 of the Revised 3649
Code by a person other than the accused shall be discharged and 3650
released, and sureties on recognizances shall be released, in 3651
any of the following ways: 3652

(1) When a surety on a recognizance or the depositor of 3653
cash or securities as bail for an accused desires to surrender 3654
the accused before the appearance date, the surety is discharged 3655
from further responsibility or the deposit is redeemed in either 3656

of the following ways: 3657

(a) By delivery of the accused into open court; 3658

(b) When, on the written request of the surety or 3659
depositor, the clerk of the court to which recognizance is 3660
returnable or in which deposit is made issues to the sheriff a 3661
warrant for the arrest of the accused and the sheriff indicates 3662
on the return that the sheriff holds the accused in the 3663
sheriff's jail. 3664

(2) By appearance of the accused in accordance with the 3665
terms of the recognizance or deposit and the entry of judgment 3666
by the court or magistrate; 3667

(3) By payment into court, after default, of the sum fixed 3668
in the recognizance or the sum fixed in the order of forfeiture, 3669
if it is less. 3670

(B) When cash or securities have been deposited as bail by 3671
a person other than the accused and the bail is discharged and 3672
released pursuant to division (A) of this section, or when 3673
property has been pledged by a surety on recognizance and the 3674
surety on recognizance has been released pursuant to division 3675
(A) of this section, the court shall not deduct any amount from 3676
the cash or securities or declare forfeited and levy or execute 3677
against pledged property. The court shall not apply any of the 3678
deposited cash or securities toward, or declare forfeited and 3679
levy or execute against property pledged for a recognizance for, 3680
the satisfaction of any penalty or fine, and court costs, 3681
assessed against the accused upon the accused's conviction or 3682
guilty plea, except upon express approval of the person who 3683
deposited the cash or securities or the surety. 3684

(C) Bail of any type that is deposited under section 3685

2937.011 or sections 2937.22 to 2937.45 of the Revised Code by 3686
an accused shall be discharged and released to the accused, and 3687
property pledged by an accused for a recognizance shall be 3688
discharged, upon the appearance of the accused in accordance 3689
with the terms of the recognizance or deposit and the entry of 3690
judgment by the court or magistrate, except that, if the 3691
defendant is not indigent, the court may apply deposited bail 3692
toward the satisfaction of a penalty or fine, and court costs, 3693
assessed against the accused upon the accused's conviction or 3694
guilty plea, and may declare forfeited and levy or execute 3695
against pledged property for the satisfaction of a penalty or 3696
fine, and court costs, assessed against the accused upon the 3697
accused's conviction or guilty plea. 3698

~~(D) Notwithstanding any other provision of this section, 3699
an Ohio driver's or commercial driver's license that is 3700
deposited as bond may be forfeited and otherwise handled as 3701
provided in section 2937.221 of the Revised Code. 3702~~

Sec. 2947.09. (A) If a person is charged with an offense 3703
in a court of common pleas, including a juvenile court, and 3704
~~either fails to appear in court at the required time and place 3705
to answer the charge or pleads guilty to or is found guilty of 3706
the offense or is adjudicated a delinquent child or juvenile 3707
traffic offender based on the offense and fails within the time 3708
allowed by the court to pay any fine or costs imposed by the 3709
court, the court may enter information relative to the person's 3710
failure to pay any outstanding amount of the fine or costs 3711
appear on a form prescribed or approved by the registrar of 3712
motor vehicles pursuant to division (B) of this section and send 3713
the form to the registrar. Upon receipt of the form, the 3714
registrar shall take any measures necessary to ensure that 3715
neither the registrar nor any deputy registrar accepts any 3716~~

application for the registration or transfer of registration of 3717
any motor vehicle owned or leased by the person. However, for a 3718
motor vehicle leased by the person, the registrar shall not 3719
implement this requirement until the registrar adopts procedures 3720
for that implementation under section 4503.39 of the Revised 3721
Code. 3722

The period of denial relating to the issuance or transfer 3723
of a certificate of registration for a motor vehicle imposed 3724
under this section remains in effect until the person ~~pays any~~ 3725
~~fine or costs imposed by the court~~ appears in court relative to 3726
the offense. ~~When the fine or costs have been paid in full, the~~ 3727
The court shall inform the registrar of the ~~payment appearance~~ 3728
by entering information relative to the ~~payment appearance~~ on a 3729
~~notice of payment~~ form prescribed or approved by the registrar 3730
pursuant to division (B) of this section and sending the form to 3731
the registrar. 3732

(B) The registrar shall prescribe and make available to 3733
courts of common pleas forms to be used for a notice to the 3734
registrar of failure to ~~pay fines or costs~~ appear and a notice 3735
to the registrar of ~~payment of fines or costs~~ appearance under 3736
division (A) of this section. The registrar may approve the use 3737
of other forms for these purposes. 3738

The registrar may require that any of the forms prescribed 3739
or approved pursuant to this section be transmitted to the 3740
registrar electronically. If the registrar requires electronic 3741
transmission, the registrar shall not be required to give effect 3742
to any form that is not transmitted electronically. 3743

Sec. 3123.54. If a child support enforcement agency, 3744
pursuant to section 3123.53 of the Revised Code, determines that 3745
an individual holds a license, endorsement, or permit or has 3746

applied for, or is likely to apply for, a license, endorsement, 3747
or permit, it shall send the notice described in section 3123.55 3748
of the Revised Code to the individual. ~~The~~ Not earlier than 3749
thirty days after the agency sends the notice to the individual, 3750
the agency also may send a notice to the registrar of motor 3751
vehicles that gives the name and social security number or other 3752
identifying number of the individual and states that a court or 3753
agency has determined that the individual is in default under a 3754
child support order or has failed to comply with a warrant or 3755
subpoena issued by a court or agency with respect to a 3756
proceeding to enforce a child support order. 3757

An individual who receives a notice under this section may 3758
cooperate with the agency to satisfy one or more of the 3759
conditions described in divisions (A) to (E) of section 3123.56 3760
of the Revised Code to prevent notice being sent to the 3761
registrar and the resulting driver's license suspension. 3762

Sec. 3123.56. A child support enforcement agency that sent 3763
a notice under section 3123.54 of the Revised Code of an 3764
individual's default under a child support order shall send to 3765
the registrar of motor vehicles a notice that the individual is 3766
not in default if it determines that the individual is not in 3767
default or any of the following occurs: 3768

(A) The individual makes full payment to the office of 3769
child support or, pursuant to sections 3125.27 to 3125.30 of the 3770
Revised Code, to the child support enforcement agency of the 3771
arrearage as of the date the payment is made. 3772

(B) If division (A) of this section is not possible, the 3773
individual has presented to the agency sufficient evidence of 3774
current employment or of an account in a financial institution, 3775
the agency has confirmed the individual's employment or the 3776

existence of the account, and an appropriate withholding or 3777
deduction notice described in section 3121.03 of the Revised 3778
Code has been issued to collect current support and any 3779
arrearage due under the child support order that was in default. 3780

(C) If divisions (A) and (B) of this section are not 3781
possible, the individual presents evidence to the agency 3782
sufficient to establish ~~that the~~ either one of the following: 3783

(1) The individual is unable to work due to circumstances 3784
beyond the individual's control. 3785

(2) The imposition of a suspension on the individual's 3786
driver's license or commercial driver's license, motorcycle 3787
operator's license or endorsement, or temporary instruction 3788
permit or commercial driver's temporary instruction permit would 3789
effectively prevent the individual from paying child support or 3790
any arrearage due under the child support order that was in 3791
default. 3792

(D) If divisions (A), (B), and (C) of this section are not 3793
possible, the individual enters into and complies with a written 3794
agreement with the agency that requires the obligor to comply 3795
with either of the following: 3796

(1) A family support program administered or approved by 3797
the agency; 3798

(2) A program to establish compliance with a seek work 3799
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 3800
Code. 3801

(E) If divisions (A), (B), (C), and (D) of this section 3802
are not possible, the individual pays the balance of the total 3803
monthly obligation due for the ninety-day period preceding the 3804
date the agency sent the notice described in section 3123.55 of 3805

the Revised Code. 3806

The agency shall send the notice under this section not 3807
later than seven days after it determines the individual is not 3808
in default or that any of the circumstances specified in this 3809
section has occurred. 3810

Sec. 3123.58. (A) On receipt of a notice pursuant to 3811
section 3123.54 of the Revised Code, the registrar of motor 3812
vehicles shall determine whether the individual named in the 3813
notice holds or has applied for a driver's license or commercial 3814
driver's license, motorcycle operator's license or endorsement, 3815
or temporary instruction permit or commercial driver's temporary 3816
instruction permit. If the registrar determines that the 3817
individual holds or has applied for a license, permit, or 3818
endorsement and the individual is the individual named in the 3819
notice and does not receive a notice pursuant to section 3123.56 3820
or 3123.57 of the Revised Code, the registrar immediately shall 3821
provide notice of the determination to each deputy registrar. 3822
The registrar or a deputy registrar may not issue to the 3823
individual a driver's or commercial driver's license, motorcycle 3824
operator's license or endorsement, or temporary instruction 3825
permit or commercial driver's temporary instruction permit and 3826
may not renew for the individual a driver's or commercial 3827
driver's license, motorcycle operator's license or endorsement, 3828
or commercial driver's temporary instruction permit. The 3829
registrar or a deputy registrar also shall impose a class F 3830
suspension of the license, permit, or endorsement held by the 3831
individual under division (B) (6) of section 4510.02 of the 3832
Revised Code. 3833

(B) (1) A court with jurisdiction over the child support 3834
order may grant an individual whose license, permit, or 3835

endorsement is suspended under this section limited driving 3836
privileges in accordance with division (B) of section 4510.021 3837
of the Revised Code pursuant to a ~~request made during an action~~ 3838
~~for contempt initiated under section 2705.031 of the Revised~~ 3839
~~Code~~ motion by that individual for limited driving privileges, 3840
unless that individual's driver's license is suspended for an 3841
offense that prevents the granting of limited driving 3842
privileges. Prior to granting privileges under this division, 3843
the court shall request the ~~accused individual~~ to provide the 3844
court with a ~~recent current~~ noncertified copy of a driver's 3845
abstract from the registrar of motor vehicles ~~and~~. The court 3846
shall request the child support enforcement agency that issued 3847
the notice pursuant to section 3123.54 of the Revised Code 3848
relative to the individual to advise the court, either in person 3849
through a representative testifying at a hearing or through a 3850
written document, regarding the position of the agency relative 3851
to the issue of the granting of privileges to the individual. 3852
The court, in determining whether to grant the individual 3853
privileges under this division, shall take into consideration 3854
the position of the agency, but the court is not bound by the 3855
position of the agency. 3856

(2) A court that grants limited driving privileges to a 3857
person under division (B) (1) of this section shall include in 3858
the order any conditions the person shall comply with in order 3859
to retain the privileges and deliver to the person a permit card 3860
or other written document, in a form to be prescribed by the 3861
court, setting forth the date on which the limited privileges 3862
will become effective, the purposes for which the person may 3863
drive, the times and places at which the person may drive, and 3864
any other conditions imposed upon the person's use of a motor 3865
vehicle. 3866

(3) The court immediately shall notify the registrar, in 3867
writing, of a grant of limited driving privileges under division 3868
(B) (1) of this section. The notification shall specify the date 3869
on which the limited driving privileges will become effective, 3870
the purposes for which the person may drive, and any other 3871
conditions imposed upon the person's use of a motor vehicle. 3872

(C) If a person who has been granted limited driving 3873
privileges under division (B) (1) of this section is convicted 3874
of, pleads guilty to, or is adjudicated in juvenile court of 3875
having committed a violation of Chapter 4510. of the Revised 3876
Code or any similar municipal ordinance during the period of 3877
which the person was granted limited driving privileges, the 3878
person's limited driving privileges shall be suspended 3879
immediately pending a reinstatement hearing. 3880

Sec. 3321.13. (A) Whenever any child of compulsory school 3881
age withdraws from school the teacher of that child shall 3882
ascertain the reason for withdrawal. The fact of the withdrawal 3883
and the reason for it shall be immediately transmitted by the 3884
teacher to the superintendent of the city, local, or exempted 3885
village school district. If the child who has withdrawn from 3886
school has done so because of change of residence, the next 3887
residence shall be ascertained and shall be included in the 3888
notice thus transmitted. The superintendent shall thereupon 3889
forward a card showing the essential facts regarding the child 3890
and stating the place of the child's new residence to the 3891
superintendent of schools of the district to which the child has 3892
moved. 3893

The department of education and workforce may prescribe 3894
the forms to be used in the operation of this division. 3895

(B) (1) Upon receipt of information that a child of 3896

compulsory school age has withdrawn from school for a reason 3897
other than because of change of residence or for the purpose of 3898
home education pursuant to section 3321.042 of the Revised Code 3899
and is not enrolled in and attending in accordance with school 3900
policy an approved program to obtain a diploma or its 3901
equivalent, the superintendent shall notify ~~the registrar of~~ 3902
~~motor vehicles and~~ the juvenile judge of the county in which the 3903
district is located of the withdrawal and failure to enroll in 3904
and attend an approved program to obtain a diploma or its 3905
equivalent. A notification to ~~the registrar required by this~~ 3906
~~division shall be given in the manner the registrar by rule~~ 3907
~~requires and a notification to~~ the juvenile judge required by 3908
this division shall be given in writing. Each notification shall 3909
be given within two weeks after the withdrawal and failure to 3910
enroll in and attend an approved program or its equivalent. 3911

(2) The board of education of a school district may adopt 3912
a resolution providing that the provisions of division (B) (2) of 3913
this section apply within the district. The provisions of 3914
division (B) (2) of this section do not apply within any school 3915
district, and no superintendent of a school district shall send 3916
a notification of the type described in division (B) (2) of this 3917
section to ~~the registrar of motor vehicles or~~ the juvenile judge 3918
of the county in which the district is located, unless the board 3919
of education of the district has adopted such a resolution. If 3920
the board of education of a school district adopts a resolution 3921
providing that the provisions of division (B) (2) of this section 3922
apply within the district, and if the superintendent of schools 3923
of that district receives information that, during any semester 3924
or term, a child of compulsory school age has been absent 3925
without legitimate excuse from the school the child is supposed 3926
to attend for more than sixty consecutive hours in a single 3927

month or for at least ninety hours in a school year, the 3928
superintendent shall notify the child and the child's parent, 3929
guardian, or custodian, in writing, that the information has 3930
been provided to the superintendent, that as a result of that 3931
information ~~the child's temporary instruction permit or driver's~~ 3932
~~license will be suspended or the opportunity to obtain such a~~ 3933
~~permit or license will be denied, and that the child and the~~ 3934
child's parent, guardian, or custodian may participate in a 3935
hearing at a scheduled date, time, and place conducted by the 3936
superintendent or a designee to challenge the information 3937
provided to the superintendent. The hearing may be conducted by 3938
electronic means if requested by the child's parent, guardian, 3939
or custodian. 3940

The notification to the child and the child's parent, 3941
guardian, or custodian required by division (B) (2) of this 3942
section shall set forth the information received by the 3943
superintendent and shall inform the child and the child's 3944
parent, guardian, or custodian of the scheduled date, time, and 3945
participation method of the hearing before the superintendent or 3946
a designee. The date scheduled for the hearing shall be no 3947
earlier than three and no later than five days after the 3948
notification is given, provided that an extension may be granted 3949
upon request of the child or the child's parent, guardian, or 3950
custodian. If an extension is granted, the superintendent shall 3951
schedule a new date, time, and method for the hearing and shall 3952
inform the child and the child's parent, guardian, or custodian 3953
of the new date, time, and method. 3954

If the child and the child's parent, guardian, or 3955
custodian do not appear before the superintendent or a designee 3956
on the scheduled date and for the scheduled hearing, or if the 3957
child and the child's parent, guardian, or custodian appear 3958

before the superintendent or a designee on the scheduled date 3959
and at the scheduled time but the superintendent or a designee 3960
determines that the information the superintendent received 3961
indicating that, during the semester or term, the child had been 3962
absent without legitimate excuse from the school the child was 3963
supposed to attend for more than sixty consecutive hours or for 3964
at least ninety total hours, the superintendent shall notify ~~the~~ 3965
~~registrar of motor vehicles and~~ the juvenile judge of the county 3966
in which the district is located that the child has been absent 3967
for that period of time and that the child does not have any 3968
legitimate excuse for the habitual absence. A notification to 3969
~~the registrar required by this division shall be given in the~~ 3970
~~manner the registrar by rule requires and a notification to the~~ 3971
juvenile judge required by this division shall be given in 3972
writing. Each notification shall be given within two weeks after 3973
the receipt of the information of the habitual absence from 3974
school without legitimate excuse, or, if the child and the 3975
child's parent, guardian, or custodian appear before the 3976
superintendent or a designee to challenge the information, 3977
within two weeks after the hearing. 3978

For purposes of division (B) (2) of this section, a 3979
legitimate excuse for absence from school includes, but is not 3980
limited to, the fact that the child in question has enrolled in 3981
another school or school district in this or another state, the 3982
fact that the child in question was excused from attendance for 3983
any of the reasons specified in section 3321.04 or exempt under 3984
section 3321.042 of the Revised Code, or the fact that the child 3985
in question has received an age and schooling certificate in 3986
accordance with section 3331.01 of the Revised Code. 3987

(3) Whenever a pupil is suspended or expelled from school 3988
pursuant to section 3313.66 of the Revised Code and the reason 3989

for the suspension or expulsion is the use or possession of 3990
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 3991
superintendent of schools of that district may notify ~~the~~ 3992
~~registrar and~~ the juvenile judge of the county in which the 3993
district is located of such suspension or expulsion. Any such 3994
notification of suspension or expulsion shall be given to ~~the~~ 3995
~~registrar, in the manner the registrar by rule requires and~~ 3996
~~shall be given to~~ the juvenile judge in writing. The 3997
notifications shall be given within two weeks after the 3998
suspension or expulsion. 3999

(4) Whenever a pupil is suspended, expelled, removed, or 4000
permanently excluded from a school for misconduct included in a 4001
policy that the board of education of a city, exempted village, 4002
or local school district has adopted under division (A) of 4003
section 3313.661 of the Revised Code, and the misconduct 4004
involves a firearm or a knife or other weapon as defined in that 4005
policy, the superintendent of schools of that district shall 4006
notify ~~the registrar and~~ the juvenile judge of the county in 4007
which the district is located of the suspension, expulsion, 4008
removal, or permanent exclusion. The notification shall be given 4009
to ~~the registrar in the manner the registrar, by rule, requires~~ 4010
~~and shall be given to~~ the juvenile judge in writing. The 4011
notifications shall be given within two weeks after the 4012
suspension, expulsion, removal, or permanent exclusion. 4013

(C) A notification of withdrawal, habitual absence without 4014
legitimate excuse, suspension, or expulsion given to ~~the~~ 4015
~~registrar or~~ a juvenile judge under division (B) (1), (2), (3), 4016
or (4) of this section shall contain the name, address, date of 4017
birth, school, and school district of the child. If the 4018
superintendent finds, after giving a notification of withdrawal, 4019
habitual absence without legitimate excuse, suspension, or 4020

expulsion to ~~the registrar and~~ the juvenile judge under division 4021
(B) (1), (2), (3), or (4) of this section, that the notification 4022
was given in error, the superintendent immediately shall notify 4023
~~the registrar and~~ the juvenile judge of that fact. 4024

Sec. 3321.191. (A) Effective beginning with the 2017-2018 4025
school year, the board of education of each city, exempted 4026
village, local, joint vocational, and cooperative education 4027
school district and the governing board of each educational 4028
service center shall adopt a new or amended policy to guide 4029
employees of the school district or service center in addressing 4030
and ameliorating student absences. In developing the policy, the 4031
appropriate board shall consult with the judge of the juvenile 4032
court of the county or counties in which the district or service 4033
center is located, with the parents, guardians, or other persons 4034
having care of the pupils attending school in the district, and 4035
with appropriate state and local agencies. 4036

(B) The policy developed under division (A) of this 4037
section shall include as an intervention strategy all of the 4038
following actions, if applicable: 4039

(1) Providing a truancy intervention plan for any student 4040
who is excessively absent from school, as described in the first 4041
paragraph of division (C) of this section; 4042

(2) Providing counseling for an habitual truant; 4043

(3) Requesting or requiring a parent, guardian, or other 4044
person having care of an habitual truant to attend parental 4045
involvement programs, including programs adopted under section 4046
3313.472 or 3313.663 of the Revised Code; 4047

(4) Requesting or requiring a parent, guardian, or other 4048
person having care of an habitual truant to attend truancy 4049

prevention mediation programs; 4050

~~(5) Notification of the registrar of motor vehicles under~~ 4051
~~section 3321.13 of the Revised Code;~~ 4052

~~(6) Taking legal action under section 2919.222, 3321.20,~~ 4053
~~or 3321.38 of the Revised Code.~~ 4054

(C) (1) In the event that a child of compulsory school age 4055
is absent with a nonmedical excuse or without legitimate excuse 4056
from the public school the child is supposed to attend for 4057
thirty-eight or more hours in one school month, or sixty-five or 4058
more hours in a school year, the attendance officer of that 4059
school shall notify the child's parent, guardian, or custodian 4060
of the child's absences, in writing, within seven days after the 4061
date after the absence that triggered the notice requirement. At 4062
the time notice is given, the school also may take any 4063
appropriate action as an intervention strategy contained in the 4064
policy developed by the board pursuant to division (A) of this 4065
section. 4066

(2) (a) If the absences of a student surpass the threshold 4067
for an habitual truant as set forth in section 2151.011 of the 4068
Revised Code, the principal or chief administrator of the school 4069
or the superintendent of the school district shall assign the 4070
student to an absence intervention team. Within fourteen school 4071
days after the assignment of a student to an absence 4072
intervention team, the team shall develop an intervention plan 4073
for that student in an effort to reduce or eliminate further 4074
absences. Each intervention plan shall vary based on the 4075
individual needs of the student, but the plan shall state that 4076
the attendance officer shall file a complaint not later than 4077
sixty-one days after the date the plan was implemented, if the 4078
child has refused to participate in, or failed to make 4079

satisfactory progress on, the intervention plan or an 4080
alternative to adjudication under division (C)(2)(b) of section 4081
3321.191 of the Revised Code. Within seven days after the 4082
development of the plan, the school district or school shall 4083
make reasonable efforts to provide the student's parent, 4084
guardian, custodian, guardian ad litem, or temporary custodian 4085
with written notice of the plan. 4086

(b) As part of the absence intervention plan described in 4087
division (C)(2) of this section, the school district or school, 4088
in its discretion, may contact the appropriate juvenile court 4089
and ask to have a student informally enrolled in any alternative 4090
to adjudication described in division (G) of section 2151.27 of 4091
the Revised Code. If the school district or school chooses to 4092
have students informally enrolled in an alternative to 4093
adjudication, the school district or school shall develop a 4094
written policy regarding the use of, and selection process for, 4095
offering alternatives to adjudication to ensure fairness. 4096

(c) The superintendent of each school district, or the 4097
superintendent's designee, shall establish an absence 4098
intervention team for the district to be used by any schools of 4099
the district that do not establish their own absence 4100
intervention team as permitted under division (C)(2)(d) of this 4101
section. Membership of each absence intervention team may vary 4102
based on the needs of each individual student but shall include 4103
a representative from the child's school district or school, 4104
another representative from the child's school district or 4105
school who knows the child, and the child's parent or parent's 4106
designee, or the child's guardian, custodian, guardian ad litem, 4107
or temporary custodian. The team also may include a school 4108
psychologist, counselor, social worker, or representative of a 4109
public or nonprofit agency designed to assist students and their 4110

families in reducing absences. 4111

(d) The principal or chief administrator of each school 4112
may establish an absence intervention team or series of teams to 4113
be used in lieu of the district team established pursuant to 4114
division (C)(2)(c) of this section. Membership of each absence 4115
intervention team may vary based on the needs of each individual 4116
student but shall include a representative from the child's 4117
school district or school, another representative from the 4118
child's school district or school who knows the child, and the 4119
child's parent or parent's designee, or the child's guardian, 4120
custodian, guardian ad litem, or temporary custodian. The team 4121
also may include a school psychologist, counselor, social 4122
worker, or representative of a public or nonprofit agency 4123
designed to assist students and their families in reducing 4124
absences. 4125

(e) A superintendent, as described in division (C)(2)(c) 4126
of this section, or principal or chief administrator, as 4127
described in division (C)(2)(d) of this section, shall select 4128
the members of an absence intervention team within seven school 4129
days of the triggering event described in division (C)(2)(a) of 4130
this section. The superintendent, principal, or chief 4131
administrator, within the same period of seven school days, 4132
shall make at least three meaningful, good faith attempts to 4133
secure the participation of the student's parent, guardian, 4134
custodian, guardian ad litem, or temporary custodian on that 4135
team. If the student's parent responds to any of those attempts, 4136
but is unable to participate for any reason, the representative 4137
of the school district shall inform the parent of the parent's 4138
right to appear by designee. If seven school days elapse and the 4139
student's parent, guardian, custodian, guardian ad litem, or 4140
temporary custodian fails to respond to the attempts to secure 4141

participation, the school district or school shall do both of 4142
the following: 4143

(i) Investigate whether the failure to respond triggers 4144
mandatory reporting to the public children services agency for 4145
the county in which the child resides in the manner described in 4146
section 2151.421 of the Revised Code; 4147

(ii) Instruct the absence intervention team to develop an 4148
intervention plan for the child notwithstanding the absence of 4149
the child's parent, guardian, custodian, guardian ad litem, or 4150
temporary custodian. 4151

(f) In the event that a student becomes habitually truant 4152
within twenty-one school days prior to the last day of 4153
instruction of a school year, the school district or school may, 4154
in its discretion, assign one school official to work with the 4155
child's parent, guardian, custodian, guardian ad litem, or 4156
temporary custodian to develop an absence intervention plan 4157
during the summer. If the school district or school selects this 4158
method, the plan shall be implemented not later than seven days 4159
prior to the first day of instruction of the next school year. 4160
In the alternative, the school district or school may toll the 4161
time periods to accommodate for the summer months and reconvene 4162
the absence intervention process upon the first day of 4163
instruction of the next school year. 4164

(3) For purposes of divisions (C) (2) (c) and (d) of this 4165
section, the department of education and workforce shall develop 4166
a format for parental permission to ensure compliance with the 4167
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 4168
571, 20 U.S.C. 1232g, as amended, and any regulations 4169
promulgated under that act, and section 3319.321 of the Revised 4170
Code. 4171

(D) Each school district or school may consult or partner 4172
with public and nonprofit agencies to provide assistance as 4173
appropriate to students and their families in reducing absences. 4174

(E) Beginning with the 2017-2018 school year, each school 4175
district shall report to the department, as soon as practicable, 4176
and in a format and manner determined by the department, any of 4177
the following occurrences: 4178

(1) When a notice required by division (C)(1) of this 4179
section is submitted to a parent, guardian, or custodian; 4180

(2) When a child of compulsory school age has been absent 4181
without legitimate excuse from the public school the child is 4182
supposed to attend for thirty or more consecutive hours, forty- 4183
two or more hours in one school month, or seventy-two or more 4184
hours in a school year; 4185

(3) When a child of compulsory school age who has been 4186
adjudicated an unruly child for being an habitual truant 4187
violates the court order regarding that adjudication; 4188

(4) When an absence intervention plan has been implemented 4189
for a child under this section. 4190

(F) Nothing in this section shall be construed to limit 4191
the duty or authority of a district board of education or 4192
governing body of an educational service center to develop other 4193
policies related to truancy or to limit the duty or authority of 4194
any employee of the school district or service center to respond 4195
to pupil truancy. However, a board shall be subject to the 4196
prohibition against suspending, expelling, or otherwise 4197
preventing a student from attending school for excessive 4198
absences as prescribed by section 3313.668 of the Revised Code. 4199

Sec. 4501.06. The taxes, fees, and fines levied, charged, 4200

or referred to in Chapters 4501., 4503., 4504., 4505., 4506., 4201
4507., 4509., 4510., 4511., 4517., 4519., and 4521., division 4202
(A) of section 4508.06, and sections 2935.27, ~~2937.221~~, 3123.59, 4203
4508.05, 4513.53, 4738.06, 4738.13, and 5502.12 of the Revised 4204
Code, unless otherwise designated by law, shall be deposited in 4205
the state treasury to the credit of the public safety - highway 4206
purposes fund, which is hereby created. Money credited to the 4207
fund shall be used for the purpose of enforcing and paying the 4208
expenses of administering the laws relative to the registration 4209
and operation of motor vehicles on the public roads or highways 4210
and to the powers and duties of the registrar of motor vehicles. 4211
Amounts credited to the fund may also be used to pay the 4212
expenses of administering and enforcing the laws under which 4213
such fees were collected. All investment earnings of the public 4214
safety - highway purposes fund shall be credited to the fund. 4215

Sec. 4503.10. (A) The owner of every snowmobile, off- 4216
highway motorcycle, and all-purpose vehicle required to be 4217
registered under section 4519.02 of the Revised Code shall file 4218
an application for registration under section 4519.03 of the 4219
Revised Code. The owner of a motor vehicle, other than a 4220
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 4221
is not designed and constructed by the manufacturer for 4222
operation on a street or highway may not register it under this 4223
chapter except upon certification of inspection pursuant to 4224
section 4513.02 of the Revised Code by the sheriff, or the chief 4225
of police of the municipal corporation or township, with 4226
jurisdiction over the political subdivision in which the owner 4227
of the motor vehicle resides. Except as provided in sections 4228
4503.103 and 4503.107 of the Revised Code, every owner of every 4229
other motor vehicle not previously described in this section and 4230
every person mentioned as owner in the last certificate of title 4231

of a motor vehicle that is operated or driven upon the public 4232
roads or highways shall cause to be filed each year, by mail or 4233
otherwise, in the office of the registrar of motor vehicles or a 4234
deputy registrar, a written or electronic application or a 4235
preprinted registration renewal notice issued under section 4236
4503.102 of the Revised Code, the form of which shall be 4237
prescribed by the registrar, for registration for the following 4238
registration year, which shall begin on the first day of January 4239
of every calendar year and end on the thirty-first day of 4240
December in the same year. Applications for registration and 4241
registration renewal notices shall be filed at the times 4242
established by the registrar pursuant to section 4503.101 of the 4243
Revised Code. A motor vehicle owner also may elect to apply for 4244
or renew a motor vehicle registration by electronic means using 4245
electronic signature in accordance with rules adopted by the 4246
registrar. Except as provided in division (J) of this section, 4247
applications for registration shall be made on blanks furnished 4248
by the registrar for that purpose, containing the following 4249
information: 4250

(1) A brief description of the motor vehicle to be 4251
registered, including the year, make, model, and vehicle 4252
identification number, and, in the case of commercial cars, the 4253
gross weight of the vehicle fully equipped computed in the 4254
manner prescribed in section 4503.08 of the Revised Code; 4255

(2) The name and residence address of the owner, and the 4256
township and municipal corporation in which the owner resides; 4257

(3) The district of registration, which shall be 4258
determined as follows: 4259

(a) In case the motor vehicle to be registered is used for 4260
hire or principally in connection with any established business 4261

or branch business, conducted at a particular place, the 4262
district of registration is the municipal corporation in which 4263
that place is located or, if not located in any municipal 4264
corporation, the county and township in which that place is 4265
located. 4266

(b) In case the vehicle is not so used, the district of 4267
registration is the municipal corporation or county in which the 4268
owner resides at the time of making the application. 4269

(4) Whether the motor vehicle is a new or used motor 4270
vehicle; 4271

(5) The date of purchase of the motor vehicle; 4272

(6) Whether the fees required to be paid for the 4273
registration or transfer of the motor vehicle, during the 4274
preceding registration year and during the preceding period of 4275
the current registration year, have been paid. Each application 4276
for registration shall be signed by the owner, either manually 4277
or by electronic signature, or pursuant to obtaining a limited 4278
power of attorney authorized by the registrar for registration, 4279
or other document authorizing such signature. If the owner 4280
elects to apply for or renew the motor vehicle registration with 4281
the registrar by electronic means, the owner's manual signature 4282
is not required. 4283

(7) The owner's social security number, driver's license 4284
number, or state identification number, or, where a motor 4285
vehicle to be registered is used for hire or principally in 4286
connection with any established business, the owner's federal 4287
taxpayer identification number. The bureau of motor vehicles 4288
shall retain in its records all social security numbers provided 4289
under this section, but the bureau shall not place social 4290

security numbers on motor vehicle certificates of registration. 4291

(8) Whether the applicant wishes to certify willingness to 4292
make an anatomical gift if an applicant has not so certified 4293
under section 2108.05 of the Revised Code. The applicant's 4294
response shall not be considered in the decision of whether to 4295
approve the application for registration. 4296

(B) (1) When an applicant first registers a motor vehicle 4297
in the applicant's name, the applicant shall provide proof of 4298
ownership of that motor vehicle. Proof of ownership may include 4299
any of the following: 4300

(a) The applicant may present for inspection a physical 4301
certificate of title or memorandum certificate showing title to 4302
the motor vehicle to be registered in the name of the applicant. 4303

(b) The applicant may present for inspection an electronic 4304
certificate of title for the applicant's motor vehicle in a 4305
manner prescribed by rules adopted by the registrar. 4306

(c) The registrar or deputy registrar may electronically 4307
confirm the applicant's ownership of the motor vehicle. 4308

An applicant is not required to present a certificate of 4309
title to an electronic motor vehicle dealer acting as a limited 4310
authority deputy registrar in accordance with rules adopted by 4311
the registrar. 4312

(2) When a motor vehicle inspection and maintenance 4313
program is in effect under section 3704.14 of the Revised Code 4314
and rules adopted under it, each application for registration 4315
for a vehicle required to be inspected under that section and 4316
those rules shall be accompanied by an inspection certificate 4317
for the motor vehicle issued in accordance with that section. 4318

(3) An application for registration shall be refused if 4319
any of the following applies: 4320

(a) The application is not in proper form. 4321

(b) The application is prohibited from being accepted by 4322
division (D) of section 2935.27, ~~division (A) of section~~ 4323
~~2937.221,~~ division (A) of section 4503.13, division (B) of 4324
section 4510.22, division (D) of section 4503.234, division (B) 4325
(1) of section 4521.10, or division (B) of section 5537.041 of 4326
the Revised Code. 4327

(c) Proof of ownership is required but is not presented or 4328
confirmed in accordance with division (B) (1) of this section. 4329

(d) All registration and transfer fees for the motor 4330
vehicle, for the preceding year or the preceding period of the 4331
current registration year, have not been paid. 4332

(e) The owner or lessee does not have an inspection 4333
certificate for the motor vehicle as provided in section 3704.14 4334
of the Revised Code, and rules adopted under it, if that section 4335
is applicable. 4336

(4) This section does not require the payment of license 4337
or registration taxes on a motor vehicle for any preceding year, 4338
or for any preceding period of a year, if the motor vehicle was 4339
not taxable for that preceding year or period under sections 4340
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 4341
of the Revised Code. 4342

(5) When a certificate of registration is issued upon the 4343
first registration of a motor vehicle by or on behalf of the 4344
owner, the official issuing the certificate shall indicate the 4345
issuance with a stamp on the certificate of title or memorandum 4346
certificate or, in the case of an electronic certificate of 4347

title or electronic verification of ownership, an electronic 4348
stamp or other notation as specified in rules adopted by the 4349
registrar, and with a stamp on the inspection certificate for 4350
the motor vehicle, if any. 4351

(6) The official also shall indicate, by a stamp or by 4352
other means the registrar prescribes, on the registration 4353
certificate issued upon the first registration of a motor 4354
vehicle by or on behalf of the owner the odometer reading of the 4355
motor vehicle as shown in the odometer statement included in or 4356
attached to the certificate of title. Upon each subsequent 4357
registration of the motor vehicle by or on behalf of the same 4358
owner, the official also shall so indicate the odometer reading 4359
of the motor vehicle as shown on the immediately preceding 4360
certificate of registration. 4361

(7) The registrar shall include in the permanent 4362
registration record of any vehicle required to be inspected 4363
under section 3704.14 of the Revised Code the inspection 4364
certificate number from the inspection certificate that is 4365
presented at the time of registration of the vehicle as required 4366
under this division. 4367

(C) (1) Except as otherwise provided in division (C) (1) of 4368
this section, the registrar and each deputy registrar shall 4369
collect an additional fee of eleven dollars for each application 4370
for registration and registration renewal received. For vehicles 4371
specified in divisions (A) (1) to (21) of section 4503.042 of the 4372
Revised Code, the registrar and deputy registrar shall collect 4373
an additional fee of thirty dollars for each application for 4374
registration and registration renewal received. No additional 4375
fee shall be charged for vehicles registered under section 4376
4503.65 of the Revised Code. The additional fee is for the 4377

purpose of defraying the department of public safety's costs 4378
associated with the administration and enforcement of the motor 4379
vehicle and traffic laws of Ohio. Each deputy registrar shall 4380
transmit the fees collected under divisions (C) (1) and (3) of 4381
this section in the time and manner provided in this section. 4382
The registrar shall deposit all moneys received under division 4383
(C) (1) of this section into the public safety - highway purposes 4384
fund established in section 4501.06 of the Revised Code. 4385

(2) In addition, a charge of twenty-five cents shall be 4386
made for each reflectorized safety license plate issued, and a 4387
single charge of twenty-five cents shall be made for each county 4388
identification sticker or each set of county identification 4389
stickers issued, as the case may be, to cover the cost of 4390
producing the license plates and stickers, including material, 4391
manufacturing, and administrative costs. Those fees shall be in 4392
addition to the license tax. If the total cost of producing the 4393
plates is less than twenty-five cents per plate, or if the total 4394
cost of producing the stickers is less than twenty-five cents 4395
per sticker or per set issued, any excess moneys accruing from 4396
the fees shall be distributed in the same manner as provided by 4397
section 4501.04 of the Revised Code for the distribution of 4398
license tax moneys. If the total cost of producing the plates 4399
exceeds twenty-five cents per plate, or if the total cost of 4400
producing the stickers exceeds twenty-five cents per sticker or 4401
per set issued, the difference shall be paid from the license 4402
tax moneys collected pursuant to section 4503.02 of the Revised 4403
Code. 4404

(3) The registrar and each deputy registrar shall collect 4405
the following additional fee, as applicable, for each 4406
application for registration or registration renewal received 4407
for any hybrid motor vehicle, plug-in hybrid electric motor 4408

vehicle, or battery electric motor vehicle: 4409

(a) One hundred dollars for a hybrid motor vehicle; 4410

(b) One hundred fifty dollars for a plug-in hybrid 4411
electric motor vehicle; 4412

(c) Two hundred dollars for a battery electric motor 4413
vehicle. 4414

Each fee imposed under this division shall be prorated 4415
based on the number of months for which the vehicle is 4416
registered. The registrar shall transmit all money arising from 4417
each fee to the treasurer of state for distribution in 4418
accordance with division (E) of section 5735.051 of the Revised 4419
Code, subject to division (D) of section 5735.05 of the Revised 4420
Code. 4421

(D) Each deputy registrar shall be allowed a fee equal to 4422
the amount established under section 4503.038 of the Revised 4423
Code for each application for registration and registration 4424
renewal notice the deputy registrar receives, which shall be for 4425
the purpose of compensating the deputy registrar for the deputy 4426
registrar's services, and such office and rental expenses, as 4427
may be necessary for the proper discharge of the deputy 4428
registrar's duties in the receiving of applications and renewal 4429
notices and the issuing of registrations. 4430

(E) Upon the certification of the registrar, the county 4431
sheriff or local police officials shall recover license plates 4432
erroneously or fraudulently issued. 4433

(F) Each deputy registrar, upon receipt of any application 4434
for registration or registration renewal notice, together with 4435
the license fee and any local motor vehicle license tax levied 4436
pursuant to Chapter 4504. of the Revised Code, shall transmit 4437

that fee and tax, if any, in the manner provided in this 4438
section, together with the original and duplicate copy of the 4439
application, to the registrar. The registrar, subject to the 4440
approval of the director of public safety, may deposit the funds 4441
collected by those deputies in a local bank or depository to the 4442
credit of the "state of Ohio, bureau of motor vehicles." Where a 4443
local bank or depository has been designated by the registrar, 4444
each deputy registrar shall deposit all moneys collected by the 4445
deputy registrar into that bank or depository not more than one 4446
business day after their collection and shall make reports to 4447
the registrar of the amounts so deposited, together with any 4448
other information, some of which may be prescribed by the 4449
treasurer of state, as the registrar may require and as 4450
prescribed by the registrar by rule. The registrar, within three 4451
days after receipt of notification of the deposit of funds by a 4452
deputy registrar in a local bank or depository, shall draw on 4453
that account in favor of the treasurer of state. The registrar, 4454
subject to the approval of the director and the treasurer of 4455
state, may make reasonable rules necessary for the prompt 4456
transmittal of fees and for safeguarding the interests of the 4457
state and of counties, townships, municipal corporations, and 4458
transportation improvement districts levying local motor vehicle 4459
license taxes. The registrar may pay service charges usually 4460
collected by banks and depositories for such service. If deputy 4461
registrars are located in communities where banking facilities 4462
are not available, they shall transmit the fees forthwith, by 4463
money order or otherwise, as the registrar, by rule approved by 4464
the director and the treasurer of state, may prescribe. The 4465
registrar may pay the usual and customary fees for such service. 4466

(G) This section does not prevent any person from making 4467
an application for a motor vehicle license directly to the 4468

registrar by mail, by electronic means, or in person at any of 4469
the registrar's offices, upon payment of a service fee equal to 4470
the amount established under section 4503.038 of the Revised 4471
Code for each application. 4472

(H) No person shall make a false statement as to the 4473
district of registration in an application required by division 4474
(A) of this section. Violation of this division is falsification 4475
under section 2921.13 of the Revised Code and punishable as 4476
specified in that section. 4477

(I) (1) Where applicable, the requirements of division (B) 4478
of this section relating to the presentation of an inspection 4479
certificate issued under section 3704.14 of the Revised Code and 4480
rules adopted under it for a motor vehicle, the refusal of a 4481
license for failure to present an inspection certificate, and 4482
the stamping of the inspection certificate by the official 4483
issuing the certificate of registration apply to the 4484
registration of and issuance of license plates for a motor 4485
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4486
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4487
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 4488
Code. 4489

(2) (a) The registrar shall adopt rules ensuring that each 4490
owner registering a motor vehicle in a county where a motor 4491
vehicle inspection and maintenance program is in effect under 4492
section 3704.14 of the Revised Code and rules adopted under it 4493
receives information about the requirements established in that 4494
section and those rules and about the need in those counties to 4495
present an inspection certificate with an application for 4496
registration or preregistration. 4497

(b) Upon request, the registrar shall provide the director 4498

of environmental protection, or any person that has been awarded 4499
a contract under section 3704.14 of the Revised Code, an on-line 4500
computer data link to registration information for all passenger 4501
cars, noncommercial motor vehicles, and commercial cars that are 4502
subject to that section. The registrar also shall provide to the 4503
director of environmental protection a magnetic data tape 4504
containing registration information regarding passenger cars, 4505
noncommercial motor vehicles, and commercial cars for which a 4506
multi-year registration is in effect under section 4503.103 of 4507
the Revised Code or rules adopted under it, including, without 4508
limitation, the date of issuance of the multi-year registration, 4509
the registration deadline established under rules adopted under 4510
section 4503.101 of the Revised Code that was applicable in the 4511
year in which the multi-year registration was issued, and the 4512
registration deadline for renewal of the multi-year 4513
registration. 4514

(J) Subject to division (K) of this section, application 4515
for registration under the international registration plan, as 4516
set forth in sections 4503.60 to 4503.66 of the Revised Code, 4517
shall be made to the registrar on forms furnished by the 4518
registrar. In accordance with international registration plan 4519
guidelines and pursuant to rules adopted by the registrar, the 4520
forms shall include the following: 4521

(1) A uniform mileage schedule; 4522

(2) The gross vehicle weight of the vehicle or combined 4523
gross vehicle weight of the combination vehicle as declared by 4524
the registrant; 4525

(3) Any other information the registrar requires by rule. 4526

(K) The registrar shall determine the feasibility of 4527

implementing an electronic commercial fleet licensing and 4528
management program that will enable the owners of commercial 4529
tractors, commercial trailers, and commercial semitrailers to 4530
conduct electronic transactions by July 1, 2010, or sooner. If 4531
the registrar determines that implementing such a program is 4532
feasible, the registrar shall adopt new rules under this 4533
division or amend existing rules adopted under this division as 4534
necessary in order to respond to advances in technology. 4535

If international registration plan guidelines and 4536
provisions allow member jurisdictions to permit applications for 4537
registrations under the international registration plan to be 4538
made via the internet, the rules the registrar adopts under this 4539
division shall permit such action. 4540

Sec. 4503.102. (A) The registrar of motor vehicles shall 4541
adopt rules to establish a centralized system of motor vehicle 4542
registration renewal by mail or by electronic means. Any person 4543
owning a motor vehicle that was registered in the person's name 4544
during the preceding registration year shall renew the 4545
registration of the motor vehicle not more than ninety days 4546
prior to the expiration date of the registration either by mail 4547
or by electronic means through the centralized system of 4548
registration established under this section, or in person at any 4549
office of the registrar or at a deputy registrar's office. 4550

(B) (1) Except as provided in division (B) (2) of this 4551
section, no less than forty-five days prior to the expiration 4552
date of any motor vehicle registration, the registrar shall mail 4553
a renewal notice to the person in whose name the motor vehicle 4554
is registered. The renewal notice shall clearly state that the 4555
registration of the motor vehicle may be renewed by mail or 4556
electronic means through the centralized system of registration 4557

or in person at any office of the registrar or at a deputy 4558
registrar's office and shall be preprinted with information 4559
including, but not limited to, the owner's name and residence 4560
address as shown in the records of the bureau of motor vehicles, 4561
a brief description of the motor vehicle to be registered, 4562
notice of the license taxes and fees due on the motor vehicle, 4563
the toll-free telephone number of the registrar as required 4564
under division (D)(1) of section 4503.031 of the Revised Code, a 4565
statement that payment for a renewal may be made by financial 4566
transaction device using the toll-free telephone number, and any 4567
additional information the registrar may require by rule. The 4568
renewal notice shall not include the social security number of 4569
either the owner of the motor vehicle or the person in whose 4570
name the motor vehicle is registered. The renewal notice shall 4571
be sent by regular mail to the owner's last known address as 4572
shown in the records of the bureau of motor vehicles. 4573

(2) The registrar is not required to mail a renewal notice 4574
if either of the following applies: 4575

(a) The owner of the vehicle has consented to receiving 4576
the renewal notice by electronic means only. 4577

(b) The application for renewal of the registration of a 4578
motor vehicle is prohibited from being accepted by the registrar 4579
or a deputy registrar by division (D) of section 2935.27, 4580
~~division (A) of section 2937.221,~~ division (A) of section 4581
4503.13, division (B) of section 4510.22, ~~or~~ division (D) of 4582
section 4503.234, division (B)(1) of section 4521.10, or 4583
division (B) of section 5537.041 -of the Revised Code. 4584

(3) If the owner of a motor vehicle has consented to 4585
receiving a renewal notice by electronic means only, the 4586
registrar shall send an electronic renewal notice to the owner 4587

that contains the information specified in division (B) (1) of 4588
this section at the time specified under that division. 4589

(C) The owner of the motor vehicle shall verify the 4590
information contained in the notice, sign it either manually or 4591
by electronic means, and return it, either by mail or electronic 4592
means, or the owner may take it in person to any office of the 4593
registrar or of a deputy registrar. The owner shall include with 4594
the notice a financial transaction device number when renewing 4595
in person or by electronic means but not by mail, check, or 4596
money order in the amount of the registration taxes and fees 4597
payable on the motor vehicle and a service fee equal to the 4598
amount established under section 4503.038 of the Revised Code, 4599
plus postage as indicated on the notice if the registration is 4600
renewed or fulfilled by mail, and an inspection certificate for 4601
the motor vehicle as provided in section 3704.14 of the Revised 4602
Code. For purposes of the centralized system of motor vehicle 4603
registration, the registrar shall accept payments via the toll- 4604
free telephone number established under division (D) (1) of 4605
section 4503.031 of the Revised Code for renewals made by mail. 4606
If the motor vehicle owner chooses to renew the motor vehicle 4607
registration by electronic means, the owner shall proceed in 4608
accordance with the rules the registrar adopts. 4609

(D) If all registration and transfer fees for the motor 4610
vehicle for the preceding year or the preceding period of the 4611
current registration year have not been paid, if division (D) of 4612
section 2935.27, ~~division (A) of section 2937.221,~~ division (A) 4613
of section 4503.13, division (B) of section 4510.22, ~~or division~~ 4614
(D) of section 4503.234, division (B) (1) of section 4521.10, or 4615
division (B) of section 5537.041 of the Revised Code prohibits 4616
acceptance of the renewal notice, or if the owner or lessee does 4617
not have an inspection certificate for the motor vehicle as 4618

provided in section 3704.14 of the Revised Code, if that section 4619
is applicable, the license shall be refused, and the registrar 4620
or deputy registrar shall so notify the owner. This section does 4621
not require the payment of license or registration taxes on a 4622
motor vehicle for any preceding year, or for any preceding 4623
period of a year, if the motor vehicle was not taxable for that 4624
preceding year or period under section 4503.02, 4503.04, 4625
4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised 4626
Code. 4627

(E) (1) Failure to receive a renewal notice does not 4628
relieve a motor vehicle owner from the responsibility to renew 4629
the registration for the motor vehicle. Any person who has a 4630
motor vehicle registered in this state and who does not receive 4631
a renewal notice as provided in division (B) of this section 4632
prior to the expiration date of the registration shall request 4633
an application for registration from the registrar or a deputy 4634
registrar and sign the application manually or by electronic 4635
means and submit the application and pay any applicable license 4636
taxes and fees to the registrar or deputy registrar. 4637

(2) If the owner of a motor vehicle submits an application 4638
for registration and the registrar is prohibited by division (D) 4639
of section 2935.27, ~~division (A) of section 2937.221,~~ division 4640
(A) of section 4503.13, division (B) of section 4510.22, ~~or~~ 4641
division (D) of section 4503.234, division (B) (1) of section 4642
4521.10, or division (B) of section 5537.041 of the Revised Code 4643
from accepting the application, the registrar shall return the 4644
application and the payment to the owner. If the owner of a 4645
motor vehicle submits a registration renewal application to the 4646
registrar by electronic means and the registrar is prohibited 4647
from accepting the application as provided in this division, the 4648
registrar shall notify the owner of this fact and deny the 4649

application and return the payment or give a credit on the 4650
financial transaction device account of the owner in the manner 4651
the registrar prescribes by rule adopted pursuant to division 4652
(A) of this section. 4653

(F) Every deputy registrar shall post in a prominent place 4654
at the deputy's office a notice informing the public of the mail 4655
registration system required by this section and also shall post 4656
a notice that every owner of a motor vehicle and every chauffeur 4657
holding a certificate of registration is required to notify the 4658
registrar in writing of any change of residence within ten days 4659
after the change occurs. The notice shall be in such form as the 4660
registrar prescribes by rule. 4661

(G) The service fee equal to the amount established under 4662
section 4503.038 of the Revised Code that is collected from a 4663
person who renews a motor vehicle registration by electronic 4664
means or by mail, plus postage collected by the registrar and 4665
any financial transaction device surcharge collected by the 4666
registrar, shall be paid to the credit of the public safety - 4667
highway purposes fund established by section 4501.06 of the 4668
Revised Code. 4669

(H) (1) Pursuant to section 113.40 of the Revised Code, the 4670
registrar shall implement a program permitting payment of motor 4671
vehicle registration taxes and fees, driver's license and 4672
commercial driver's license fees, and any other taxes, fees, 4673
penalties, or charges imposed or levied by the state by means of 4674
a financial transaction device for transactions occurring 4675
online, at any office of the registrar, and at all deputy 4676
registrar locations. The program shall take effect not later 4677
than July 1, 2016. The registrar shall adopt rules as necessary 4678
for this purpose, but all such rules are subject to any action, 4679

policy, or procedure of the board of deposit or treasurer of 4680
state taken or adopted under section 113.40 of the Revised Code. 4681

(2) The rules adopted under division (H)(1) of this 4682
section shall require a deputy registrar to accept payments by 4683
means of a financial transaction device beginning on the 4684
effective date of the rules unless the deputy registrar contract 4685
entered into by the deputy registrar prohibits the acceptance of 4686
such payments by financial transaction device. However, 4687
commencing with deputy registrar contract awards that have a 4688
start date of July 1, 2016, and for all contract awards 4689
thereafter, the registrar shall require that the proposer accept 4690
payment by means of a financial transaction device, including 4691
credit cards and debit cards, for all department of public 4692
safety transactions conducted at that deputy registrar location. 4693

The bureau and deputy registrars are not required to pay 4694
any costs that result from accepting payment by means of a 4695
financial transaction device. A deputy registrar may charge a 4696
person who tenders payment for a department transaction by means 4697
of a financial transaction device any cost the deputy registrar 4698
incurs from accepting payment by the financial transaction 4699
device, but the deputy registrar shall not require the person to 4700
pay any additional fee of any kind in connection with the use by 4701
the person of the financial transaction device. 4702

(3) In accordance with division (H)(1) of this section and 4703
rules adopted by the registrar under that division, a county 4704
auditor or clerk of a court of common pleas that is designated a 4705
deputy registrar shall accept payment by means of a financial 4706
transaction device, including credit cards and debit cards, for 4707
all department transactions conducted at the office of the 4708
county auditor or clerk in the county auditor's or clerk's 4709

capacity as deputy registrar. The bureau is not required to pay 4710
any costs incurred by a county auditor or clerk that result from 4711
accepting payment by means of a financial transaction device for 4712
any department transaction. 4713

(I) For persons who reside in counties where tailpipe 4714
emissions inspections are required under the motor vehicle 4715
inspection and maintenance program, the notice required by 4716
division (B) of this section shall also include the toll-free 4717
telephone number maintained by the Ohio environmental protection 4718
agency to provide information concerning the locations of 4719
emissions testing centers. The registrar also shall include a 4720
statement in the notice that a battery electric motor vehicle is 4721
not required to undergo emissions inspection under the motor 4722
vehicle inspection and maintenance program established under 4723
section 3704.14 of the Revised Code. 4724

Sec. 4503.12. (A) Upon the transfer of ownership of a 4725
motor vehicle, the registration of the motor vehicle expires, 4726
and the original owner immediately shall remove the license 4727
plates from the motor vehicle, except that: 4728

(1) If a statutory merger or consolidation results in the 4729
transfer of ownership of a motor vehicle from a constituent 4730
corporation to the surviving corporation, or if the 4731
incorporation of a proprietorship or partnership results in the 4732
transfer of ownership of a motor vehicle from the proprietorship 4733
or partnership to the corporation, the registration shall be 4734
continued upon the filing by the surviving or new corporation, 4735
within thirty days of such transfer, of an application for an 4736
amended certificate of registration. Upon a proper filing, the 4737
registrar of motor vehicles shall issue an amended certificate 4738
of registration in the name of the new owner. 4739

(2) If the death of the owner of a motor vehicle results 4740
in the transfer of ownership of the motor vehicle to the 4741
surviving spouse of the owner or if a motor vehicle is owned by 4742
two persons under joint ownership with right of survivorship 4743
established under section 2131.12 of the Revised Code and one of 4744
those persons dies, the registration shall be continued upon the 4745
filing by the survivor of an application for an amended 4746
certificate of registration. In relation to a motor vehicle that 4747
is owned by two persons under joint ownership with right of 4748
survivorship established under section 2131.12 of the Revised 4749
Code, the application shall be accompanied by a copy of the 4750
certificate of title that specifies that the vehicle is owned 4751
under joint ownership with right of survivorship. Upon a proper 4752
filing, the registrar shall issue an amended certificate of 4753
registration in the name of the survivor. 4754

(3) If the death of the owner of a motor vehicle results 4755
in the transfer of ownership of the motor vehicle to a transfer- 4756
on-death beneficiary or beneficiaries designated under section 4757
2131.13 of the Revised Code, the registration shall be continued 4758
upon the filing by the transfer-on-death beneficiary or 4759
beneficiaries of an application for an amended certificate of 4760
registration. The application shall be accompanied by a copy of 4761
the certificate of title that specifies that the owner of the 4762
motor vehicle has designated the motor vehicle in beneficiary 4763
form under section 2131.13 of the Revised Code. Upon a proper 4764
filing, the registrar shall issue an amended certificate of 4765
registration in the name of the transfer-on-death beneficiary or 4766
beneficiaries. 4767

(4) If the original owner of a motor vehicle that has been 4768
transferred makes application for the registration of another 4769
motor vehicle at any time during the remainder of the 4770

registration period for which the transferred motor vehicle was 4771
registered, the owner may file an application for transfer of 4772
the registration and, where applicable, the license plates. The 4773
transfer of the registration and, where applicable, the license 4774
plates from the motor vehicle for which they originally were 4775
issued to a succeeding motor vehicle purchased by the same 4776
person in whose name the original registration and license 4777
plates were issued shall be done within a period not to exceed 4778
thirty days. During that thirty-day period, the license plates 4779
from the motor vehicle for which they originally were issued may 4780
be displayed on the succeeding motor vehicle, and the succeeding 4781
motor vehicle may be operated on the public roads and highways 4782
in this state. 4783

At the time of application for transfer, the registrar 4784
shall compute and collect the amount of tax due on the 4785
succeeding motor vehicle, based upon the amount that would be 4786
due on a new registration as of the date on which the transfer 4787
is made less a credit for the unused portion of the original 4788
registration beginning on that date. If the credit exceeds the 4789
amount of tax due on the new registration, no refund shall be 4790
made. In computing the amount of tax due and credits to be 4791
allowed under this division, the provisions of division (B) (1) 4792
(a) and (b) of section 4503.11 of the Revised Code shall apply. 4793
As to passenger cars, noncommercial vehicles, motor homes, and 4794
motorcycles, transfers within or between these classes of motor 4795
vehicles only shall be allowed. If the succeeding motor vehicle 4796
is of a different class than the motor vehicle for which the 4797
registration originally was issued, new license plates also 4798
shall be issued upon the surrender of the license plates 4799
originally issued and payment of the fees provided in divisions 4800
(C) and (D) of section 4503.10 of the Revised Code. 4801

(5) The owner of a commercial car having a gross vehicle weight or combined gross vehicle weight of more than ten thousand pounds may transfer the registration of that commercial car to another commercial car the owner owns without transferring ownership of the first commercial car. At any time during the remainder of the registration period for which the first commercial car was registered, the owner may file an application for the transfer of the registration and, where applicable, the license plates, accompanied by the certificate of registration of the first commercial car. The amount of any tax due or credit to be allowed for a transfer of registration under this division shall be computed in accordance with division (A) (4) of this section.

No commercial car to which a registration is transferred under this division shall be operated on a public road or highway in this state until after the transfer of registration is completed in accordance with this division.

(6) Upon application to the registrar or a deputy registrar, a person who owns or leases a motor vehicle may transfer special license plates assigned to that vehicle to any other vehicle that the person owns or leases or that is owned or leased by the person's spouse. As appropriate, the application also shall be accompanied by a power of attorney for the registration of a leased vehicle and a written statement releasing the special plates to the applicant. Upon a proper filing, the registrar or deputy registrar shall assign the special license plates to the motor vehicle owned or leased by the applicant and issue a new certificate of registration for that motor vehicle.

(7) If a corporation transfers the ownership of a motor

vehicle to an affiliated corporation, the affiliated corporation 4832
may apply to the registrar for the transfer of the registration 4833
and any license plates. The registrar may require the applicant 4834
to submit documentation of the corporate relationship and shall 4835
determine whether the application for registration transfer is 4836
made in good faith and not for the purposes of circumventing the 4837
provisions of this chapter. Upon a proper filing, the registrar 4838
shall issue an amended certificate of registration in the name 4839
of the new owner. 4840

(B) An application under division (A) of this section 4841
shall be accompanied by a service fee equal to the amount 4842
established under section 4503.038 of the Revised Code, a 4843
transfer fee of one dollar, and the original certificate of 4844
registration, if applicable. 4845

(C) Neither the registrar nor a deputy registrar shall 4846
transfer a registration under division (A) of this section if 4847
the registration is prohibited by division (D) of section 4848
2935.27, ~~division (A) of section 2937.221,~~ division (A) of 4849
section 4503.13, division (D) of section 4503.234, division (B) 4850
of section 4510.22, division (B) (1) of section 4521.10, or 4851
division (B) of section 5537.041 of the Revised Code. 4852

(D) Whoever violates division (A) of this section is 4853
guilty of a misdemeanor of the fourth degree. 4854

(E) As used in division (A) (6) of this section, "special 4855
license plates" means either of the following: 4856

(1) Any license plates for which the person to whom the 4857
license plates are issued must pay an additional fee in excess 4858
of the fees prescribed in section 4503.04 of the Revised Code, 4859
Chapter 4504. of the Revised Code, and the service fee 4860

prescribed in division (D) or (G) of section 4503.10 of the Revised Code; 4861
4862

(2) License plates issued under section 4503.44 of the Revised Code. 4863
4864

Sec. 4503.20. (A) As used in this section: 4865

(1) "Dealer engaged in the business of leasing motor vehicles" means any person engaged in the business of regularly making available, offering to make available, or arranging for another person to use a motor vehicle pursuant to a bailment, lease, or other contractual arrangement. 4866
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(2) "Motor vehicle" has the meaning set forth in section 4509.01 of the Revised Code. 4871
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(B) An application for the registration of a motor vehicle shall contain a statement, to be signed by the applicant either manually or by electronic signature, that does all of the following: 4873
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(1) States that the applicant maintains, or has maintained on the applicant's behalf, proof of financial responsibility at the time of application, and will not operate a motor vehicle in this state, unless the applicant maintains, with respect to that motor vehicle or the operation of such vehicle, proof of financial responsibility; 4877
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4879
4880
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(2) Contains a brief summary of the purposes and operation of section 4509.101 of the Revised Code, the rights and duties of the applicant under that section, and the penalties for violation of that section; 4883
4884
4885
4886

(3) Warns the applicant that the financial responsibility law does not prevent the possibility that the applicant may be 4887
4888

involved in an accident with an owner or operator of a motor 4889
vehicle who is without proof of financial responsibility. 4890

(C) (1) A person who purchases any motor vehicle from a 4891
licensed motor vehicle dealer who agrees to make application for 4892
registration of the motor vehicle on behalf of the purchaser 4893
shall sign statements that comply with divisions (B) and (F) of 4894
this section. The dealer shall submit the statements to the 4895
deputy registrar where the dealer has agreed to make application 4896
for registration on behalf of the person. 4897

(2) In the case of a person who leases any motor vehicle 4898
from a dealer engaged in the business of leasing motor vehicles 4899
who agrees to make application for registration of the motor 4900
vehicle on behalf of the lessee, the person shall sign a 4901
statement that complies with division (B) of this section, and 4902
the dealer shall do either of the following: 4903

(a) Submit the statement signed by the person to the 4904
deputy registrar where the dealer has agreed to make application 4905
for registration on behalf of the person; 4906

(b) Sign and submit a statement to the deputy registrar 4907
that certifies that a statement has been signed and filed with 4908
the dealer or incorporated into the lease. 4909

The dealer shall submit to the registrar or deputy 4910
registrar to whom the dealer submits the application for 4911
registration a statement signed by the person that complies with 4912
division (F) of this section. 4913

(D) The registrar of motor vehicles shall prescribe the 4914
form of the statements required under divisions (B), (C), and 4915
(F) of this section, and the manner or manners in which the 4916
statements required under divisions (B) and (F) of this section 4917

shall be presented to the applicant. Any statement that is 4918
required under divisions (B), (C), and (F) of this section shall 4919
be designed to enable the applicant to retain a copy of it. 4920

(E) Nothing within this section shall be construed to 4921
excuse a violation of section 4509.101 of the Revised Code. A 4922
motor vehicle dealer who makes application for the registration 4923
of a motor vehicle on behalf of the purchaser or lessee of the 4924
motor vehicle is not liable in damages in any civil action on 4925
account of the act of making such application for registration 4926
or the content of any such application for registration. 4927

(F) In addition to the statements required by divisions 4928
(B) and (C) of this section, a person who makes application for 4929
registration of a motor vehicle shall be furnished with a form 4930
that lists in plain language all the possible penalties to which 4931
a person could be subject for a violation of the financial 4932
responsibility law, including driver's license suspensions, and 4933
all fees, including nonvoluntary compliance and reinstatement 4934
fees, ~~and vehicle immobilization or impoundment~~. The person 4935
shall read the form and either manually or by electronic 4936
signature sign the form, which shall be submitted along with the 4937
application for registration as provided in this section. The 4938
form shall be retained by the registrar or deputy registrar who 4939
issues the motor vehicle registration or the registrar's or 4940
deputy registrar's successor for a period of two years from the 4941
date of issuance of the registration. 4942

(G) Upon the registration of a motor vehicle, the owner of 4943
the motor vehicle is deemed to have agreed to the production of 4944
proof of financial responsibility by the owner or the operator 4945
of the motor vehicle, upon the request of a peace officer or 4946
state highway patrol trooper made in accordance with division 4947

(D) (2) of section 4509.101 of the Revised Code. 4948

(H) The registrar shall adopt rules governing the renewal 4949
of motor vehicle registrations by electronic means and the 4950
completion and submission of statements that comply with 4951
divisions (B) and (F) of this section. The registrar shall adopt 4952
the rules prescribed by this division in accordance with Chapter 4953
119. of the Revised Code. 4954

Sec. 4503.39. With regard to a motor vehicle leased by or 4955
in the name of a person named in a suspension order or who is 4956
precluded from registering or transferring registration of a 4957
motor vehicle because of a failure to ~~pay a fine or court-~~ 4958
~~costs~~appear, the registrar of motor vehicles shall adopt 4959
procedures as indicated in division (B) of section 1901.44, 4960
division (B) of section 1905.202, division (B) of section 4961
1907.25, division (D) of section 2935.27, ~~division (A) of~~ 4962
~~section 2937.221,~~ division (A) of section 2947.09, and division 4963
(B) of section 4510.22 of the Revised Code. The procedures shall 4964
prescribe the information and methodology necessary to implement 4965
those divisions. 4966

Sec. 4507.212. (A) As used in this section, "motor 4967
vehicle" has the same meaning as in section 4509.01 of the 4968
Revised Code. 4969

(B) An application for a driver's, commercial driver's, 4970
restricted, or probationary license, or renewal of such license 4971
shall contain a statement, to be signed by the applicant, that 4972
does all of the following: 4973

(1) States that the applicant maintains, or has maintained 4974
~~on his the applicant's~~ behalf, proof of financial responsibility 4975
at the time of application, and will not operate a motor vehicle 4976

in this state, unless ~~he~~ the applicant maintains, or has 4977
maintained on ~~his~~ the applicant's behalf, proof of financial 4978
responsibility; 4979

(2) Contains a brief summary of the purposes and operation 4980
of section 4509.101 of the Revised Code, the rights and duties 4981
of the applicant under that section, and the penalties for 4982
violation of that section; 4983

(3) Warns the applicant that the financial responsibility 4984
law does not prevent the possibility that the applicant may be 4985
involved in an accident with an owner or operator of a motor 4986
vehicle who is without proof of financial responsibility. 4987

(C) The registrar of motor vehicles shall prescribe the 4988
form of the statement, and the manner in which the statement 4989
shall be presented to the applicant. The statement shall be 4990
designed to enable the applicant to retain a copy of it. 4991

(D) Nothing within this section shall be construed to 4992
excuse a violation of section 4509.101 of the Revised Code. 4993

(E) At the time a person submits an application for a 4994
driver's, commercial driver's, restricted, or probationary 4995
license, or renewal of such a license, the applicant also shall 4996
be furnished with a form that lists in plain language all the 4997
possible penalties to which the applicant could be subject for a 4998
violation of the financial responsibility law, including 4999
driver's license suspensions, and all fees, including 5000
nonvoluntary compliance and reinstatement fees, ~~and vehicle~~ 5001
~~immobilization or impoundment~~. The applicant shall sign the 5002
form, which shall be submitted along with the application. The 5003
form shall be retained by the registrar or deputy registrar who 5004
issues the license or renewal or ~~his~~ the registrar's or deputy 5005

registrar's successor for a period of two years from the date of 5006
issuance of the license or renewal. The registrar shall 5007
prescribe the manner in which the form shall be presented to the 5008
applicant, and the format of the form, which shall be such that 5009
the applicant can retain a copy of it. 5010

Sec. 4509.101. (A) (1) No person shall operate, or permit 5011
the operation of, a motor vehicle in this state, unless proof of 5012
financial responsibility is maintained continuously throughout 5013
the registration period with respect to that vehicle, or, in the 5014
case of a driver who is not the owner, with respect to that 5015
driver's operation of that vehicle. 5016

(2) Whoever violates division (A) (1) of this section shall 5017
be subject to the following civil penalties: 5018

(a) Subject to divisions (A) (2) (b) and (c) of this 5019
section, a class (F) suspension of the person's driver's 5020
license, commercial driver's license, temporary instruction 5021
permit, probationary license, or nonresident operating privilege 5022
for the period of time specified in division (B) (6) of section 5023
4510.02 of the Revised Code and impoundment of the person's 5024
license. The court may grant limited driving privileges to the 5025
person, but only if the person presents proof of financial 5026
responsibility and is enrolled in a reinstatement fee payment 5027
plan pursuant to section 4510.10 of the Revised Code. 5028

(b) If, within ~~five years~~ one year of the violation, the 5029
person's operating privileges are again suspended and the 5030
person's license again is impounded for a violation of division 5031
(A) (1) of this section, a class C suspension of the person's 5032
driver's license, commercial driver's license, temporary 5033
instruction permit, probationary license, or nonresident 5034
operating privilege for the period of time specified in division 5035

(B) (3) of section 4510.02 of the Revised Code. The court may 5036
grant limited driving privileges to the person only if the 5037
person presents proof of financial responsibility and has 5038
complied with division (A) (5) of this section, and no court may 5039
grant limited driving privileges for the first fifteen days of 5040
the suspension. 5041

(c) If, within ~~five years~~ one year of the violation, the 5042
person's operating privileges are suspended and the person's 5043
license is impounded two or more times for a violation of 5044
division (A) (1) of this section, a class B suspension of the 5045
person's driver's license, commercial driver's license, 5046
temporary instruction permit, probationary license, or 5047
nonresident operating privilege for the period of time specified 5048
in division (B) (2) of section 4510.02 of the Revised Code. The 5049
court may grant limited driving privileges to the person only if 5050
the person presents proof of financial responsibility and has 5051
complied with division (A) (5) of this section, except that no 5052
court may grant limited driving privileges for the first thirty 5053
days of the suspension. 5054

~~(d) In addition to the suspension of an owner's license~~ 5055
~~under division (A) (2) (a), (b), or (c) of this section, the~~ 5056
~~suspension of the rights of the owner to register the motor~~ 5057
~~vehicle and the impoundment of the owner's certificate of~~ 5058
~~registration and license plates until the owner complies with~~ 5059
~~division (A) (5) of this section.~~ 5060

The clerk of court shall waive the cost of filing a 5061
petition for limited driving privileges if, pursuant to section 5062
2323.311 of the Revised Code, the petitioner applies to be 5063
qualified as an indigent litigant and the court approves the 5064
application. 5065

(3) A person to whom this state has issued a certificate
of registration for a motor vehicle or a license to operate a
motor vehicle or who is determined to have operated any motor
vehicle or permitted the operation in this state of a motor
vehicle owned by the person shall be required to verify the
existence of proof of financial responsibility covering the
operation of the motor vehicle or the person's operation of the
motor vehicle under either of the following circumstances:

(a) The person or a motor vehicle owned by the person is
involved in a traffic accident that requires the filing of an
accident report under section 4509.06 of the Revised Code.

(b) The person receives a traffic ticket indicating that
proof of the maintenance of financial responsibility was not
produced upon the request of a peace officer or state highway
patrol trooper made in accordance with division (D) (2) of this
section.

(4) An order of the registrar that suspends ~~and impounds a~~
~~license or registration, or both,~~ shall state the date on or
before which the person is required to surrender the person's
~~license or certificate of registration and license plates.~~ The
person is deemed to have surrendered the ~~license or certificate~~
~~of registration and license plates,~~ in compliance with the
order, if the person does either of the following:

(a) On or before the date specified in the order, delivers
the ~~license or certificate of registration and license plates to~~
the registrar;

(b) Mails the ~~license or certificate of registration and~~
~~license plates to~~ the registrar in an envelope or container
bearing a postmark showing a date no later than the date

specified in the order. 5095

(5) Except as provided in division (L) of this section, 5096
the registrar shall not restore any operating privileges ~~or~~ 5097
~~registration rights~~ suspended under this section, return any 5098
license, ~~certificate of registration, or license plates~~ 5099
~~impounded~~ surrendered under this section, ~~or reissue license~~ 5100
~~plates under section 4503.232 of the Revised Code, if the~~ 5101
~~registrar destroyed the impounded license plates under that~~ 5102
~~section, or reissue a license under section 4510.52 of the~~ 5103
Revised Code, if the registrar destroyed the suspended license 5104
under that section, unless the rights are not subject to 5105
suspension or revocation under any other law and unless the 5106
person, in addition to complying with all other conditions 5107
required by law for reinstatement of the operating privileges ~~or~~ 5108
~~registration rights~~, complies with all of the following: 5109

(a) Pays to the registrar or an eligible deputy registrar 5110
a financial responsibility reinstatement fee of forty dollars 5111
for the first violation of division (A)(1) of this section, 5112
three hundred dollars for a second violation of that division, 5113
and six hundred dollars for a third or subsequent violation of 5114
that division; 5115

(b) ~~If the person has not voluntarily surrendered the~~ 5116
~~license, certificate, or license plates in compliance with the~~ 5117
~~order, pays to the registrar or an eligible deputy registrar a~~ 5118
~~financial responsibility nonvoluntary compliance fee in an~~ 5119
~~amount, not to exceed fifty dollars, determined by the~~ 5120
~~registrar;~~ 5121

~~(c)~~ Files and continuously maintains proof of financial 5122
responsibility ~~under~~ in accordance with sections 4509.44 to 5123
4509.65 of the Revised Code; 5124

~~(d)~~ (c) Pays a deputy registrar a service fee of ten 5125
dollars to compensate the deputy registrar for services 5126
performed under this section. The deputy registrar shall retain 5127
eight dollars of the service fee and shall transmit the 5128
reinstatement fee, ~~any nonvoluntary compliance fee,~~ and two 5129
dollars of the service fee to the registrar in the manner the 5130
registrar shall determine. 5131

(B) (1) Every party required to file an accident report 5132
under section 4509.06 of the Revised Code also shall include 5133
with the report a document described in division (G) (1) (a) of 5134
this section or shall present proof of financial responsibility 5135
through use of an electronic wireless communications device as 5136
permitted by division (G) (1) (b) of this section. 5137

If the registrar determines, within forty-five days after 5138
the report is filed, that an operator or owner has violated 5139
division (A) (1) of this section, the registrar shall do all of 5140
the following: 5141

~~(a) Order the impoundment, with respect to the motor-~~ 5142
~~vehicle involved, required under division (A) (2) (d) of this~~ 5143
~~section, of the certificate of registration and license plates~~ 5144
~~of any owner who has violated division (A) (1) of this section;~~ 5145

~~(b)~~ Order the suspension required under division (A) (2) 5146
(a), (b), or (c) of this section of the license of any operator 5147
or owner who has violated division (A) (1) of this section; 5148

~~(e)~~ (b) Record the name and address of the person whose 5149
~~certificate of registration and license plates have been~~ 5150
~~impounded or are under an order of impoundment, or whose license~~ 5151
~~has been suspended or is under an order of suspension,~~ the 5152
serial number of the person's license; ~~the serial numbers of the~~ 5153

~~person's certificate of registration and license plates,~~ and 5154
the person's social security account number, if assigned, or, 5155
where the motor vehicle that is the subject of the violation is 5156
used for hire or principally in connection with any established 5157
business, the person's federal taxpayer identification number. 5158
The information shall be recorded in such a manner that it 5159
becomes a part of the person's permanent record, and assists the 5160
registrar in monitoring compliance with the orders of suspension 5161
~~or impoundment.~~ 5162

~~(d)~~ (c) Send written notification to every person to whom 5163
the order pertains, at the person's last known address as shown 5164
on the records of the bureau. The person, within ten days after 5165
the date of the mailing of the notification, shall surrender to 5166
the registrar, in a manner set forth in division (A)(4) of this 5167
section, ~~any certificate of registration and registration plates~~ 5168
~~under an order of impoundment, or any license under an order of~~ 5169
suspension. 5170

(2) The registrar shall issue any order under division (B) 5171
(1) of this section without a hearing. Any person adversely 5172
affected by the order, within ten days after the issuance of the 5173
order, may request an administrative hearing before the 5174
registrar, who shall provide the person with an opportunity for 5175
a hearing in accordance with this paragraph. A request for a 5176
hearing does not operate as a suspension of the order. The scope 5177
of the hearing shall be limited to whether the person in fact 5178
demonstrated to the registrar proof of financial responsibility 5179
in accordance with this section. The registrar shall determine 5180
the date, time, and place of any hearing, provided that the 5181
hearing shall be held, and an order issued or findings made, 5182
within thirty days after the registrar receives a request for a 5183
hearing. If requested by the person in writing, the registrar 5184

may designate as the place of hearing the county seat of the 5185
county in which the person resides or a place within fifty miles 5186
of the person's residence. The person shall pay the cost of the 5187
hearing before the registrar, if the registrar's order of 5188
suspension ~~or impoundment~~ is upheld. 5189

(C) Any order of suspension ~~or impoundment~~ issued under 5190
this section or division (B) of section 4509.37 of the Revised 5191
Code may be terminated at any time if the registrar determines 5192
upon a showing of proof of financial responsibility that the 5193
operator or owner of the motor vehicle was in compliance with 5194
division (A)(1) of this section at the time of the traffic 5195
offense, motor vehicle inspection, or accident that resulted in 5196
the order against the person. A determination may be made 5197
without a hearing. This division does not apply unless the 5198
person shows good cause for the person's failure to present 5199
satisfactory proof of financial responsibility to the registrar 5200
prior to the issuance of the order. 5201

(D)(1)(a) For the purpose of enforcing this section, every 5202
peace officer is deemed an agent of the registrar. 5203

(b) Any peace officer who, in the performance of the peace 5204
officer's duties as authorized by law, becomes aware of a person 5205
whose license is under an order of suspension, ~~or whose~~ 5206
~~certificate of registration and license plates are under an~~ 5207
~~order of impoundment,~~ pursuant to this section, may confiscate 5208
the license, ~~certificate of registration, and license plates,~~ 5209
and return ~~them~~ it to the registrar. 5210

(2) A peace officer shall request the owner or operator of 5211
a motor vehicle to produce proof of financial responsibility in 5212
a manner described in division (G) of this section at the time 5213
the peace officer acts to enforce the traffic laws of this state 5214

and during motor vehicle inspections conducted pursuant to 5215
section 4513.02 of the Revised Code. 5216

(3) A peace officer shall indicate on every traffic ticket 5217
whether the person receiving the traffic ticket produced proof 5218
of the maintenance of financial responsibility in response to 5219
the officer's request under division (D) (2) of this section. The 5220
peace officer shall inform every person who receives a traffic 5221
ticket and who has failed to produce proof of the maintenance of 5222
financial responsibility that the person must submit proof to 5223
the traffic violations bureau with any payment of a fine and 5224
costs for the ticketed violation or, if the person is to appear 5225
in court for the violation, the person must submit proof to the 5226
court. 5227

(4) (a) If a person who has failed to produce proof of the 5228
maintenance of financial responsibility appears in court for a 5229
ticketed violation, the court may permit the defendant to 5230
present evidence of proof of financial responsibility to the 5231
court at such time and in such manner as the court determines to 5232
be necessary or appropriate. In a manner prescribed by the 5233
registrar, the clerk of courts shall provide the registrar with 5234
the identity of any person who fails to submit proof of the 5235
maintenance of financial responsibility pursuant to division (D) 5236
(3) of this section. 5237

(b) If a person who has failed to produce proof of the 5238
maintenance of financial responsibility also fails to submit 5239
that proof to the traffic violations bureau with payment of a 5240
fine and costs for the ticketed violation, the traffic 5241
violations bureau, in a manner prescribed by the registrar, 5242
shall notify the registrar of the identity of that person. 5243

(5) (a) Upon receiving notice from a clerk of courts or 5244

traffic violations bureau pursuant to division (D) (4) of this 5245
section, the registrar shall order the suspension of the license 5246
of the person required under division (A) (2) (a), (b), or (c) of 5247
this section ~~and the impoundment of the person's certificate of~~ 5248
~~registration and license plates required under division (A) (2)~~ 5249
~~(d) of this section~~, effective ~~thirty~~ forty-five days after the 5250
date of the mailing of notification. The registrar also shall 5251
notify the person that the person must present the registrar 5252
with proof of financial responsibility in accordance with this 5253
section, surrender to the registrar the person's ~~certificate of~~ 5254
~~registration, license plates, and license~~, or submit a statement 5255
subject to section 2921.13 of the Revised Code that the person 5256
did not operate or permit the operation of the motor vehicle at 5257
the time of the offense. Notification shall be in writing and 5258
shall be sent to the person at the person's last known address 5259
as shown on the records of the bureau of motor vehicles. The 5260
person, within ~~fifteen~~ forty-five days after the date of the 5261
mailing of notification, shall present proof of financial 5262
responsibility, surrender the ~~certificate of registration,~~ 5263
~~license plates, and license~~ to the registrar in a manner set 5264
forth in division (A) (4) of this section, or submit the 5265
statement required under this section together with other 5266
information the person considers appropriate. 5267

If the registrar does not receive proof or the person does 5268
not surrender the ~~certificate of registration, license plates,~~ 5269
~~and license~~, in accordance with this division, the registrar 5270
shall permit the order for the suspension of the license of the 5271
person and ~~the impoundment of the person's certificate of~~ 5272
~~registration and license plates~~ to take effect. 5273

(b) In the case of a person who presents, within the 5274
~~fifteen day~~ forty-five-day period, proof of financial 5275

responsibility, the registrar shall terminate the order of 5276
suspension ~~and the impoundment of the registration and license~~ 5277
~~plates required under division (A) (2) (d) of this section and~~ 5278
shall send written notification to the person, at the person's 5279
last known address as shown on the records of the bureau. 5280

(c) Any person adversely affected by the order of the 5281
registrar under division (D) (5) (a) or (b) of this section, 5282
within ten days after the issuance of the order, may request an 5283
administrative hearing before the registrar, who shall provide 5284
the person with an opportunity for a hearing in accordance with 5285
this paragraph. A request for a hearing does not operate as a 5286
suspension of the order. The scope of the hearing shall be 5287
limited to whether, at the time of the hearing, the person 5288
presents proof of financial responsibility covering the vehicle 5289
and whether the person is eligible for an exemption in 5290
accordance with this section or any rule adopted under it. The 5291
registrar shall determine the date, time, and place of any 5292
hearing; provided, that the hearing shall be held, and an order 5293
issued or findings made, within thirty days after the registrar 5294
receives a request for a hearing. If requested by the person, 5295
the hearing may be held remotely by electronic means. If 5296
requested by the person in writing, the registrar may designate 5297
as the place of hearing the county seat of the county in which 5298
the person resides or a place within fifty miles of the person's 5299
residence. Such person shall pay the cost of the hearing before 5300
the registrar, if the registrar's order of suspension ~~or~~ 5301
~~impoundment~~ under division (D) (5) (a) or (b) of this section is 5302
upheld. 5303

(6) ~~A peace officer may charge an owner or operator of a~~ 5304
~~motor vehicle with a violation of section 4510.16 of the Revised~~ 5305
~~Code when the owner or operator fails to show proof of the~~ 5306

~~maintenance of financial responsibility pursuant to a peace officer's request under division (D) (2) of this section, if a check of the owner or operator's driving record indicates that the owner or operator, at the time of the operation of the motor vehicle, is required to file and maintain proof of financial responsibility under section 4509.45 of the Revised Code for a previous violation of this chapter.~~

~~(7)~~ Any forms used by law enforcement agencies in administering this section shall be prescribed, supplied, and paid for by the registrar.

~~(8)~~ (7) No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency that employs a peace officer shall be liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section.

~~(9)~~ (8) As used in this section, "peace officer" has the meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy registrar, and those portions of the financial responsibility reinstatement fees as otherwise specified in this division, collected under this section shall be paid into the state treasury to the credit of the public safety - highway purposes fund established in section 4501.06 of the Revised Code and used to cover costs incurred by the bureau in the administration of this section and sections 4503.20, 4507.212, and 4509.81 of the Revised Code, and by any law enforcement agency employing any peace officer who returns any license, ~~certificate of registration, and license plates~~ to the registrar pursuant to division (C) of this section.

Of each financial responsibility reinstatement fee the 5336
registrar collects pursuant to division (A) (5) (a) of this 5337
section or receives from a deputy registrar under division ~~(A)~~ 5338
~~(5) (d)~~ (A) (5) (c) of this section, the registrar shall deposit ten 5339
dollars of each forty-dollar reinstatement fee, fifty dollars of 5340
each three-hundred-dollar reinstatement fee, and one hundred 5341
dollars of each six-hundred-dollar reinstatement fee into the 5342
state treasury to the credit of the indigent defense support 5343
fund created by section 120.08 of the Revised Code. 5344

(F) Chapter 119. of the Revised Code applies to this 5345
section only to the extent that any provision in that chapter is 5346
not clearly inconsistent with this section. 5347

(G) (1) (a) The registrar, court, traffic violations bureau, 5348
or peace officer may require proof of financial responsibility 5349
to be demonstrated by use of a standard form prescribed by the 5350
registrar. If the use of a standard form is not required, a 5351
person may demonstrate proof of financial responsibility under 5352
this section by presenting to the traffic violations bureau, 5353
court, registrar, or peace officer any of the following 5354
documents or a copy of the documents: 5355

(i) A financial responsibility identification card as 5356
provided in section 4509.103 of the Revised Code; 5357

(ii) A certificate of proof of financial responsibility on 5358
a form provided and approved by the registrar for the filing of 5359
an accident report required to be filed under section 4509.06 of 5360
the Revised Code; 5361

(iii) A policy of liability insurance, a declaration page 5362
of a policy of liability insurance, or liability bond, if the 5363
policy or bond complies with section 4509.20 or sections 4509.49 5364

to 4509.61 of the Revised Code; 5365

(iv) A bond or certification of the issuance of a bond as 5366
provided in section 4509.59 of the Revised Code; 5367

(v) A certificate of deposit of money or securities as 5368
provided in section 4509.62 of the Revised Code; 5369

(vi) A certificate of self-insurance as provided in 5370
section 4509.72 of the Revised Code. 5371

(b) A person also may present proof of financial 5372
responsibility under this section to the traffic violations 5373
bureau, court, registrar, or peace officer through use of an 5374
electronic wireless communications device as specified under 5375
section 4509.103 of the Revised Code. 5376

(2) If a person fails to demonstrate proof of financial 5377
responsibility in a manner described in division (G)(1) of this 5378
section, the person may demonstrate proof of financial 5379
responsibility under this section by any other method that the 5380
court or the bureau, by reason of circumstances in a particular 5381
case, may consider appropriate. 5382

(3) A motor carrier certificated by the interstate 5383
commerce commission or by the public utilities commission may 5384
demonstrate proof of financial responsibility by providing a 5385
statement designating the motor carrier's operating authority 5386
and averring that the insurance coverage required by the 5387
certificating authority is in full force and effect. 5388

(4) (a) A finding by the registrar or court that a person 5389
is covered by proof of financial responsibility in the form of 5390
an insurance policy or surety bond is not binding upon the named 5391
insurer or surety or any of its officers, employees, agents, or 5392
representatives and has no legal effect except for the purpose 5393

of administering this section. 5394

(b) The preparation and delivery of a financial 5395
responsibility identification card or any other document 5396
authorized to be used as proof of financial responsibility and 5397
the generation and delivery of proof of financial responsibility 5398
to an electronic wireless communications device that is 5399
displayed on the device as text or images does not do any of the 5400
following: 5401

(i) Create any liability or estoppel against an insurer or 5402
surety, or any of its officers, employees, agents, or 5403
representatives; 5404

(ii) Constitute an admission of the existence of, or of 5405
any liability or coverage under, any policy or bond; 5406

(iii) Waive any defenses or counterclaims available to an 5407
insurer, surety, agent, employee, or representative in an action 5408
commenced by an insured or third-party claimant upon a cause of 5409
action alleged to have arisen under an insurance policy or 5410
surety bond or by reason of the preparation and delivery of a 5411
document for use as proof of financial responsibility or the 5412
generation and delivery of proof of financial responsibility to 5413
an electronic wireless communications device. 5414

(c) Whenever it is determined by a final judgment in a 5415
judicial proceeding that an insurer or surety, which has been 5416
named on a document or displayed on an electronic wireless 5417
communications device accepted by a court or the registrar as 5418
proof of financial responsibility covering the operation of a 5419
motor vehicle at the time of an accident or offense, is not 5420
liable to pay a judgment for injuries or damages resulting from 5421
such operation, the registrar, notwithstanding any previous 5422

contrary finding, shall forthwith suspend the operating 5423
privileges and registration rights of the person against whom 5424
the judgment was rendered as provided in division (A) (2) of this 5425
section. 5426

(H) In order for any document or display of text or images 5427
on an electronic wireless communications device described in 5428
division (G) (1) of this section to be used for the demonstration 5429
of proof of financial responsibility under this section, the 5430
document or words or images shall state the name of the insured 5431
or obligor, the name of the insurer or surety company, and the 5432
effective and expiration dates of the financial responsibility, 5433
and designate by explicit description or by appropriate 5434
reference all motor vehicles covered which may include a 5435
reference to fleet insurance coverage. 5436

(I) For purposes of this section, "owner" does not include 5437
a licensed motor vehicle leasing dealer as defined in section 5438
4517.01 of the Revised Code, but does include a motor vehicle 5439
renting dealer as defined in section 4549.65 of the Revised 5440
Code. Nothing in this section or in section 4509.51 of the 5441
Revised Code shall be construed to prohibit a motor vehicle 5442
renting dealer from entering into a contractual agreement with a 5443
person whereby the person renting the motor vehicle agrees to be 5444
solely responsible for maintaining proof of financial 5445
responsibility, in accordance with this section, with respect to 5446
the operation, maintenance, or use of the motor vehicle during 5447
the period of the motor vehicle's rental. 5448

(J) The purpose of this section is to require the 5449
maintenance of proof of financial responsibility with respect to 5450
the operation of motor vehicles on the highways of this state, 5451
so as to minimize those situations in which persons are not 5452

compensated for injuries and damages sustained in motor vehicle 5453
accidents. The general assembly finds that this section contains 5454
reasonable civil penalties and procedures for achieving this 5455
purpose. 5456

(K) Nothing in this section shall be construed to be 5457
subject to section 4509.78 of the Revised Code. 5458

(L) (1) The registrar may terminate any suspension imposed 5459
under this section and not require the owner to comply with 5460
~~divisions (A) (5) (a), (b), and (c)~~ division (A) (5) of this 5461
section if the registrar with or without a hearing determines 5462
that the owner of the vehicle has established by clear and 5463
convincing evidence that all of the following apply: 5464

(a) The owner customarily maintains proof of financial 5465
responsibility. 5466

(b) Proof of financial responsibility was not in effect 5467
for the vehicle on the date in question for one of the following 5468
reasons: 5469

(i) The vehicle was inoperable. 5470

(ii) The vehicle is operated only seasonally, and the date 5471
in question was outside the season of operation. 5472

(iii) A person other than the vehicle owner or driver was 5473
at fault for the lapse of proof of financial responsibility 5474
through no fault of the owner or driver. 5475

(iv) The lapse of proof of financial responsibility was 5476
caused by excusable neglect under circumstances that are not 5477
likely to recur and do not suggest a purpose to evade the 5478
requirements of this chapter. 5479

(2) The registrar may grant an owner or driver relief for 5480

a reason specified in division (L) (1) (b) (iii) or (iv) of this 5481
section only if the owner or driver has not previously been 5482
granted relief under division (L) (1) (b) (iii) or (iv) of this 5483
section. 5484

(M) The registrar shall adopt rules in accordance with 5485
Chapter 119. of the Revised Code that are necessary to 5486
administer and enforce this section. The rules shall include 5487
~~procedures for the surrender of license plates upon failure to~~ 5488
~~maintain proof of financial responsibility and provisions~~ 5489
relating to ~~reinstatement of registration rights,~~ acceptable 5490
forms of proof of financial responsibility, the use of an 5491
electronic wireless communications device to present proof of 5492
financial responsibility, and verification of the existence of 5493
financial responsibility during the period of registration. 5494

(N) (1) When a person utilizes an electronic wireless 5495
communications device to present proof of financial 5496
responsibility, only the evidence of financial responsibility 5497
displayed on the device shall be viewed by the registrar, peace 5498
officer, employee or official of the traffic violations bureau, 5499
or the court. No other content of the device shall be viewed for 5500
purposes of obtaining proof of financial responsibility. 5501

(2) When a person provides an electronic wireless 5502
communications device to the registrar, a peace officer, an 5503
employee or official of a traffic violations bureau, or the 5504
court, the person assumes the risk of any resulting damage to 5505
the device unless the registrar, peace officer, employee, or 5506
official, or court personnel purposely, knowingly, or recklessly 5507
commits an action that results in damage to the device. 5508

Sec. 4509.45. (A) As used in this section, "electronic 5509
wireless communications device" has the same meaning as in 5510

section 4509.103 of the Revised Code.	5511
(B) Proof of financial responsibility when required under	5512
section 4509.101, 4509.33, 4509.34, 4509.38, 4509.40, 4509.42,	5513
4509.44, or 4510.038 of the Revised Code may be given by filing	5514
<u>and maintaining</u> any of the following:	5515
(1) A financial responsibility identification card as	5516
provided in section 4509.104 of the Revised Code;	5517
(2) A certificate of insurance as provided in section	5518
4509.46 or 4509.47 of the Revised Code;	5519
(3) A bond as provided in section 4509.59 of the Revised	5520
Code;	5521
(4) A certificate of deposit of money or securities as	5522
provided in section 4509.62 of the Revised Code;	5523
(5) A certificate of self-insurance, as provided in	5524
section 4509.72 of the Revised Code, supplemented by an	5525
agreement by the self-insurer that, with respect to accidents	5526
occurring while the certificate is in force, the self-insurer	5527
will pay the same amounts that an insurer would have been	5528
obligated to pay under an owner's motor vehicle liability policy	5529
if it had issued such a policy to the self-insurer.	5530
(C) When proof of financial responsibility is required to	5531
be given under section 4509.101 of the Revised Code, such proof	5532
also may be given through use of an electronic wireless	5533
communications device as provided in that section.	5534
(D) Proof under division (B) of this section shall be	5535
filed and maintained for five years <u>one year</u> from the date of	5536
the registrar's imposition of a class A, B, or C suspension of	5537
operating privileges and shall be filed and maintained for three	5538

~~years from the date of the registrar's imposition of a class D,~~ 5539
~~E, or F suspension of operating privileges.~~ Proof of financial 5540
responsibility that is required to be filed and maintained with 5541
the registrar during a period of suspension of operating 5542
privileges described in this division shall not be given through 5543
the use of an electronic wireless communications device. 5544

Sec. 4509.66. Whenever any proof of financial 5545
responsibility filed under sections 4509.01 to 4509.78, 5546
inclusive, of the Revised Code, no longer fulfills the purposes 5547
for which required, the registrar of motor vehicles shall 5548
require other proof and shall suspend the license ~~and~~ 5549
~~registration~~ or the nonresident's operating privilege pending 5550
the filing of such other proof. 5551

Sec. 4509.67. (A) The registrar of motor vehicles shall, 5552
upon request, consent to the immediate cancellation of any bond 5553
or certificate of insurance, return to the person entitled any 5554
money deposited under sections 4509.01 to 4509.78 of the Revised 5555
Code, as proof of financial responsibility, or waive the 5556
requirement of filing proof, in any of the following events: 5557

(1) At any time after ~~three years~~ one year from the date 5558
such proof was required when, during the ~~three years~~ one year 5559
preceding the request, the registrar has not received record of 5560
a conviction or bail forfeiture which would require or permit 5561
the suspension or revocation of the license, ~~registration~~ or 5562
nonresident's operating privilege of the person by or for whom 5563
such proof was furnished ~~and the person's motor vehicle~~ 5564
~~registration has not been suspended for a violation of section~~ 5565
~~4509.101 of the Revised Code;~~ 5566

(2) In the event of the death of the person on whose 5567
behalf such proof was filed or the permanent incapacity of such 5568

person to operate a motor vehicle; 5569

(3) In the event the person who has given proof surrenders 5570
the person's license ~~and registration~~ to the registrar. 5571

(B) The registrar shall not consent to the cancellation of 5572
any bond or the return of any money if any action for damages 5573
upon a liability covered by such proof is pending, or any 5574
judgment upon any such liability is unsatisfied, or in the event 5575
the person who has filed such bond or deposited such money has 5576
within two years immediately preceding such request been 5577
involved as a driver or owner in any motor vehicle accident 5578
resulting in injury to the person or property of others. An 5579
affidavit of the applicant as to the nonexistence of such facts, 5580
or that the applicant has been released from all liability, or 5581
has been finally adjudicated not liable, for such injury may be 5582
accepted as evidence thereof in the absence of evidence to the 5583
contrary in the records of the registrar. 5584

(C) Whenever any person whose proof has been canceled or 5585
returned under division (A) (3) of this section applies for a 5586
license ~~or registration~~ within a period of ~~three years~~ one year 5587
from the date proof was originally required, any such 5588
application shall be refused unless the applicant re-establishes 5589
proof of financial responsibility for the remainder of the 5590
~~three year~~ one-year period. 5591

Sec. 4509.69. Any person whose license ~~or registration~~ has 5592
been suspended, or whose policy of insurance or bond has been 5593
canceled or terminated, or who neglects to furnish other proof 5594
of financial responsibility upon request of the registrar of 5595
motor vehicles, shall immediately return ~~his~~ the person's 5596
license ~~and registration including the registration plates~~ to 5597
the registrar. 5598

Sec. 4509.77. (A) No person shall willfully fail to return a license ~~or registration~~ as required in section 4509.69 of the Revised Code. 5599
5600
5601

(B) Whoever violates this section shall be fined not more than five hundred dollars, imprisoned for not more than thirty days, or both. 5602
5603
5604

Sec. 4510.101. As used in sections 4510.101 to ~~4510.107~~ 4510.108 of the Revised Code: 5605
5606

(A) "Eligible offense" means an offense under any of the following Revised Code sections if the offense, an essential element of the offense, the basis of the charge, or any underlying offense did not involve alcohol, a drug of abuse, combination thereof, or a deadly weapon: ~~2151.354, 2152.19,~~ 5607
5608
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5611

(1) Sections 2151.354, 2152.19, 2152.21, 2913.02, 4507.20, 4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 4510.05, 4510.06, 4510.15, 4510.22, 4510.23, 4510.31, ~~4510.32,~~ 4511.203, 4511.205, 4511.251, 4511.75, 4549.02, 4549.021, and 5743.99 of the Revised Code. 5612
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5616

(2) Section 4510.32 of the Revised Code for a driver's license suspension imposed prior to the effective date of this amendment. 5617
5618
5619

(B) "Deadly weapon" has the same meaning as in section 2923.11 of the Revised Code. 5620
5621

(C) "Drug of abuse" has the same meaning as in section 4511.181 of the Revised Code. 5622
5623

(D) "Complete amnesty" means a waiver of reinstatement fees. 5624
5625

(E) "Driver's license or permit" does not include a 5626

commercial driver's license or permit. 5627

(F) "Indigent" means a person who is a participant in any 5628
of the following programs: 5629

(1) The supplemental nutrition assistance program 5630
administered by the department of job and family services 5631
pursuant to section 5101.54 of the Revised Code; 5632

(2) The medicaid program pursuant to Chapter 5163. of the 5633
Revised Code; 5634

(3) The Ohio works first program administered by the 5635
department of job and family services pursuant to section 5636
5107.10 of the Revised Code; 5637

(4) The supplemental security income program pursuant to 5638
20 C.F.R. 416.1100; 5639

(5) The United States department of veterans affairs 5640
pension benefit program pursuant to 38 U.S.C. 1521. 5641

(G) "Permanent driver's license reinstatement fee debt 5642
reduction and amnesty program" or "program" means the program 5643
established in section 4510.102 of the Revised Code and 5644
administered by the director of public safety. 5645

Sec. 4510.111. (A) No person shall operate any motor 5646
vehicle upon a highway or any public or private property used by 5647
the public for purposes of vehicular travel or parking in this 5648
state whose driver's or commercial driver's license has been 5649
suspended pursuant to section 2151.354, ~~2151.87~~, 2935.27, 5650
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised 5651
Code. 5652

(B) Upon the request or motion of the prosecuting 5653
authority, a noncertified copy of the law enforcement automated 5654

data system report or a noncertified copy of a record of the 5655
registrar of motor vehicles that shows the name, date of birth, 5656
and social security number of a person charged with a violation 5657
of division (A) of this section may be admitted into evidence as 5658
prima-facie evidence that the license of the person was under 5659
suspension at the time of the alleged violation of division (A) 5660
of this section. The person charged with a violation of division 5661
(A) of this section may offer evidence to rebut this prima-facie 5662
evidence. 5663

(C) Whoever violates division (A) of this section is 5664
guilty of driving under suspension, and shall be punished as 5665
provided in division (C) (1) or (2) of this section. 5666

(1) Except as otherwise provided in division (C) (2) of 5667
this section, the offense is an unclassified misdemeanor. The 5668
offender shall be sentenced pursuant to sections 2929.21 to 5669
2929.28 of the Revised Code, except that the offender shall not 5670
be sentenced to a jail term; the offender shall not be sentenced 5671
to a community residential sanction pursuant to section 2929.26 5672
of the Revised Code; notwithstanding division (A) (2) (a) of 5673
section 2929.28 of the Revised Code, the offender may be fined 5674
up to one thousand dollars; and, notwithstanding division (A) (3) 5675
of section 2929.27 of the Revised Code, the offender may be 5676
ordered pursuant to division (C) of that section to serve a term 5677
of community service of up to five hundred hours. The failure of 5678
an offender to complete a term of community service imposed by 5679
the court may be punished as indirect criminal contempt under 5680
division (A) of section 2705.02 of the Revised Code that may be 5681
filed in the underlying case. 5682

(2) If, within three years of the offense, the offender 5683
previously was convicted of or pleaded guilty to two or more 5684

violations of division (A) of this section, or any combination 5685
of two or more violations of division (A) of this section or 5686
section 4510.11 or 4510.16 of the Revised Code, or a 5687
substantially equivalent municipal ordinance, the offense is a 5688
misdemeanor of the fourth degree, and the offender shall provide 5689
the court with proof of financial responsibility as defined in 5690
section 4509.01 of the Revised Code. If the offender fails to 5691
provide that proof of financial responsibility, then in addition 5692
to any other penalties provided by law, the court may order 5693
restitution pursuant to section 2929.28 of the Revised Code in 5694
an amount not exceeding five thousand dollars for any economic 5695
loss arising from an accident or collision that was the direct 5696
and proximate result of the offender's operation of the vehicle 5697
before, during, or after committing the offense for which the 5698
offender is sentenced under this section. 5699

Sec. 4510.16. (A) No person, whose driver's or commercial 5700
driver's license or temporary instruction permit or 5701
nonresident's operating privilege has been suspended or canceled 5702
pursuant to Chapter 4509. of the Revised Code, shall operate any 5703
motor vehicle within this state, or knowingly permit any motor 5704
vehicle owned by the person to be operated by another person in 5705
the state, during the period of the suspension or cancellation, 5706
except as specifically authorized by Chapter 4509. of the 5707
Revised Code. ~~No person shall operate a motor vehicle within~~ 5708
~~this state, or knowingly permit any motor vehicle owned by the~~ 5709
~~person to be operated by another person in the state, during the~~ 5710
~~period in which the person is required by section 4509.45 of the~~ 5711
~~Revised Code to file and maintain proof of financial~~ 5712
~~responsibility for a violation of section 4509.101 of the~~ 5713
~~Revised Code, unless proof of financial responsibility is~~ 5714
~~maintained with respect to that vehicle.~~ 5715

(B) No person shall operate any motor vehicle upon a 5716
highway or any public or private property used by the public for 5717
purposes of vehicular travel or parking in this state if the 5718
person's driver's or commercial driver's license or temporary 5719
instruction permit or nonresident operating privilege has been 5720
suspended pursuant to section 4509.37 or 4509.40 of the Revised 5721
Code for nonpayment of a judgment. 5722

(C) Upon the request or motion of the prosecuting 5723
authority, a noncertified copy of the law enforcement automated 5724
data system report or a noncertified copy of a record of the 5725
registrar of motor vehicles that shows the name, date of birth, 5726
and social security number of a person charged with a violation 5727
of division (A) or (B) of this section may be admitted into 5728
evidence as prima-facie evidence that the license of the person 5729
was under either a financial responsibility law suspension at 5730
the time of the alleged violation of division (A) of this 5731
section or a nonpayment of judgment suspension at the time of 5732
the alleged violation of division (B) of this section. The 5733
person charged with a violation of division (A) or (B) of this 5734
section may offer evidence to rebut this prima-facie evidence. 5735

(D) Whoever violates division (A) of this section is 5736
guilty of driving under financial responsibility law suspension 5737
or cancellation and shall be punished as provided in divisions 5738
~~(D)~~ (D) (1) to ~~(I)~~ (3) of this section. Whoever violates division 5739
(B) of this section is guilty of driving under a nonpayment of 5740
judgment suspension and shall be punished as provided in 5741
divisions ~~(D)~~ (D) (1) to ~~(I)~~ (3) of this section. 5742

(1) Except as otherwise provided in division (D) (2) of 5743
this section, the offense is an unclassified misdemeanor. When 5744
the offense is an unclassified misdemeanor, the offender shall 5745

be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code; notwithstanding division (A)(2)(a) of section 2929.28 of the Revised Code, the offender may be fined up to one thousand dollars; and, notwithstanding division (A)(3) of section 2929.27 of the Revised Code, the offender may be ordered pursuant to division (C) of that section to serve a term of community service of up to five hundred hours. The failure of an offender to complete a term of community service imposed by the court may be punished as indirect criminal contempt under division (A) of section 2705.02 of the Revised Code that may be filed in the underlying case.

(2) If, within three years of the offense, the offender previously was convicted of or pleaded guilty to two or more violations of this section, or any combination of two violations of this section or section 4510.11 or 4510.111 of the Revised Code, or a substantially equivalent municipal ordinance, the offense is a misdemeanor of the fourth degree.

(3) The offender shall provide the court with proof of financial responsibility as defined in section 4509.01 of the Revised Code. If the offender fails to provide that proof of financial responsibility, then in addition to any other penalties provided by law, the court may order restitution pursuant to section 2929.28 of the Revised Code in an amount not exceeding five thousand dollars for any economic loss arising from an accident or collision that was the direct and proximate result of the offender's operation of the vehicle before, during, or after committing the offense for which the offender is sentenced under this section.

Sec. 4510.17. (A) The registrar of motor vehicles shall 5777
impose a class D suspension of the person's driver's license, 5778
commercial driver's license, temporary instruction permit, 5779
probationary license, or nonresident operating privilege for the 5780
period of time specified in division (B) (4) of section 4510.02 5781
of the Revised Code on any person who is a resident of this 5782
state and is convicted of or pleads guilty to a violation of a 5783
statute of any other state or any federal statute that is 5784
substantially similar to section 2925.02, 2925.03, 2925.04, 5785
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 5786
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 5787
2925.37 of the Revised Code, provided that the person's license, 5788
permit, or privilege is required to be suspended had the offense 5789
occurred in this state. Upon receipt of a report from a court, 5790
court clerk, or other official of any other state or from any 5791
federal authority that a resident of this state was convicted of 5792
or pleaded guilty to an offense described in this division, the 5793
registrar shall send a notice by regular first class mail to the 5794
person, at the person's last known address as shown in the 5795
records of the bureau of motor vehicles, informing the person of 5796
the suspension, that the suspension will take effect twenty-one 5797
days from the date of the notice, and that, if the person wishes 5798
to appeal the suspension or denial, the person must file a 5799
notice of appeal within twenty-one days of the date of the 5800
notice requesting a hearing on the matter. If the person 5801
requests a hearing, the registrar shall hold the hearing not 5802
more than forty days after receipt by the registrar of the 5803
notice of appeal. The filing of a notice of appeal does not stay 5804
the operation of the suspension that must be imposed pursuant to 5805
this division. The scope of the hearing shall be limited to 5806
whether the person actually was convicted of or pleaded guilty 5807
to the offense for which the suspension is to be imposed. 5808

The suspension the registrar is required to impose under 5809
this division shall end either on the last day of the class D 5810
suspension period or of the suspension of the person's 5811
nonresident operating privilege imposed by the state or federal 5812
court, whichever is earlier. 5813

The registrar shall subscribe to or otherwise participate 5814
in any information system or register, or enter into reciprocal 5815
and mutual agreements with other states and federal authorities, 5816
in order to facilitate the exchange of information with other 5817
states and the United States government regarding persons who 5818
plead guilty to or are convicted of offenses described in this 5819
division and therefore are subject to the suspension or denial 5820
described in this division. 5821

(B) The registrar shall impose a class D suspension of the 5822
person's driver's license, commercial driver's license, 5823
temporary instruction permit, probationary license, or 5824
nonresident operating privilege for the period of time specified 5825
in division (B) (4) of section 4510.02 of the Revised Code on any 5826
person who is a resident of this state and is convicted of or 5827
pleads guilty to a violation of a statute of any other state or 5828
a municipal ordinance of a municipal corporation located in any 5829
other state that is substantially similar to section 4511.19 of 5830
the Revised Code. Upon receipt of a report from another state 5831
made pursuant to section 4510.61 of the Revised Code indicating 5832
that a resident of this state was convicted of or pleaded guilty 5833
to an offense described in this division, the registrar shall 5834
send a notice by regular first class mail to the person, at the 5835
person's last known address as shown in the records of the 5836
bureau of motor vehicles, informing the person of the 5837
suspension, that the suspension or denial will take effect 5838
twenty-one days from the date of the notice, and that, if the 5839

person wishes to appeal the suspension, the person must file a 5840
notice of appeal within twenty-one days of the date of the 5841
notice requesting a hearing on the matter. If the person 5842
requests a hearing, the registrar shall hold the hearing not 5843
more than forty days after receipt by the registrar of the 5844
notice of appeal. The filing of a notice of appeal does not stay 5845
the operation of the suspension that must be imposed pursuant to 5846
this division. The scope of the hearing shall be limited to 5847
whether the person actually was convicted of or pleaded guilty 5848
to the offense for which the suspension is to be imposed. 5849

The suspension the registrar is required to impose under 5850
this division shall end either on the last day of the class D 5851
suspension period or of the suspension of the person's 5852
nonresident operating privilege imposed by the state or federal 5853
court, whichever is earlier. 5854

(C) The registrar shall impose a class D suspension of the 5855
child's driver's license, commercial driver's license, temporary 5856
instruction permit, or nonresident operating privilege for the 5857
period of time specified in division (B) (4) of section 4510.02 5858
of the Revised Code on any child who is a resident of this state 5859
and is convicted of or pleads guilty to a violation of a statute 5860
of any other state or any federal statute that is substantially 5861
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5862
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 5863
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 5864
Code, provided the child's license, permit, or privilege is 5865
required to be suspended had the offense occurred in this state. 5866
Upon receipt of a report from a court, court clerk, or other 5867
official of any other state or from any federal authority that a 5868
child who is a resident of this state was convicted of or 5869
pleaded guilty to an offense described in this division, the 5870

registrar shall send a notice by regular first class mail to the 5871
child, at the child's last known address as shown in the records 5872
of the bureau of motor vehicles, informing the child of the 5873
suspension, that the suspension or denial will take effect 5874
twenty-one days from the date of the notice, and that, if the 5875
child wishes to appeal the suspension, the child must file a 5876
notice of appeal within twenty-one days of the date of the 5877
notice requesting a hearing on the matter. If the child requests 5878
a hearing, the registrar shall hold the hearing not more than 5879
forty days after receipt by the registrar of the notice of 5880
appeal. The filing of a notice of appeal does not stay the 5881
operation of the suspension that must be imposed pursuant to 5882
this division. The scope of the hearing shall be limited to 5883
whether the child actually was convicted of or pleaded guilty to 5884
the offense for which the suspension is to be imposed. 5885

The suspension the registrar is required to impose under 5886
this division shall end either on the last day of the class D 5887
suspension period or of the suspension of the child's 5888
nonresident operating privilege imposed by the state or federal 5889
court, whichever is earlier. If the child is a resident of this 5890
state who is sixteen years of age or older and does not have a 5891
current, valid Ohio driver's or commercial driver's license or 5892
permit, the notice shall inform the child that the child will be 5893
denied issuance of a driver's or commercial driver's license or 5894
permit for six months beginning on the date of the notice. If 5895
the child has not attained the age of sixteen years on the date 5896
of the notice, the notice shall inform the child that the period 5897
of denial of six months shall commence on the date the child 5898
attains the age of sixteen years. 5899

The registrar shall subscribe to or otherwise participate 5900
in any information system or register, or enter into reciprocal 5901

and mutual agreements with other states and federal authorities, 5902
in order to facilitate the exchange of information with other 5903
states and the United States government regarding children who 5904
are residents of this state and plead guilty to or are convicted 5905
of offenses described in this division and therefore are subject 5906
to the suspension or denial described in this division. 5907

(D) The registrar shall impose a class D suspension of the 5908
child's driver's license, commercial driver's license, temporary 5909
instruction permit, probationary license, or nonresident 5910
operating privilege for the period of time specified in division 5911
(B) (4) of section 4510.02 of the Revised Code on any child who 5912
is a resident of this state and is convicted of or pleads guilty 5913
to a violation of a statute of any other state or a municipal 5914
ordinance of a municipal corporation located in any other state 5915
that is substantially similar to section 4511.19 of the Revised 5916
Code. Upon receipt of a report from another state made pursuant 5917
to section 4510.61 of the Revised Code indicating that a child 5918
who is a resident of this state was convicted of or pleaded 5919
guilty to an offense described in this division, the registrar 5920
shall send a notice by regular first class mail to the child, at 5921
the child's last known address as shown in the records of the 5922
bureau of motor vehicles, informing the child of the suspension, 5923
that the suspension will take effect twenty-one days from the 5924
date of the notice, and that, if the child wishes to appeal the 5925
suspension, the child must file a notice of appeal within 5926
twenty-one days of the date of the notice requesting a hearing 5927
on the matter. If the child requests a hearing, the registrar 5928
shall hold the hearing not more than forty days after receipt by 5929
the registrar of the notice of appeal. The filing of a notice of 5930
appeal does not stay the operation of the suspension that must 5931
be imposed pursuant to this division. The scope of the hearing 5932

shall be limited to whether the child actually was convicted of 5933
or pleaded guilty to the offense for which the suspension is to 5934
be imposed. 5935

The suspension the registrar is required to impose under 5936
this division shall end either on the last day of the class D 5937
suspension period or of the suspension of the child's 5938
nonresident operating privilege imposed by the state or federal 5939
court, whichever is earlier. If the child is a resident of this 5940
state who is sixteen years of age or older and does not have a 5941
current, valid Ohio driver's or commercial driver's license or 5942
permit, the notice shall inform the child that the child will be 5943
denied issuance of a driver's or commercial driver's license or 5944
permit for six months beginning on the date of the notice. If 5945
the child has not attained the age of sixteen years on the date 5946
of the notice, the notice shall inform the child that the period 5947
of denial of six months shall commence on the date the child 5948
attains the age of sixteen years. 5949

(E) (1) Any person whose license or permit has been 5950
suspended pursuant to this section may file a petition in the 5951
municipal or county court, or in case the person is under 5952
eighteen years of age, the juvenile court, in whose jurisdiction 5953
the person resides, requesting limited driving privileges and 5954
agreeing to pay the cost of the proceedings. Except as provided 5955
in division (E) (2) or (3) of this section, the judge may grant 5956
the person limited driving privileges during the period during 5957
which the suspension otherwise would be imposed for any of the 5958
purposes set forth in division (A) of section 4510.021 of the 5959
Revised Code. 5960

(2) No judge shall grant limited driving privileges for 5961
employment as a driver of a commercial motor vehicle to any 5962

person who would be disqualified from operating a commercial 5963
motor vehicle under section 4506.16 of the Revised Code if the 5964
violation had occurred in this state. Further, no judge shall 5965
grant limited driving privileges during any of the following 5966
periods of time: 5967

(a) The first fifteen days of a suspension under division 5968
(B) or (D) of this section, if the person has not been convicted 5969
within ten years of the date of the offense giving rise to the 5970
suspension under this section of a violation of any of the 5971
following: 5972

(i) Division (A) of section 4511.19 of the Revised Code, 5973
or a municipal ordinance relating to operating a vehicle while 5974
under the influence of alcohol, a drug of abuse, or alcohol and 5975
a drug of abuse; 5976

(ii) A municipal ordinance relating to operating a motor 5977
vehicle with a prohibited concentration of alcohol, a controlled 5978
substance, or a metabolite of a controlled substance in the 5979
whole blood, blood serum or plasma, breath, or urine; 5980

(iii) Section 2903.04 of the Revised Code in a case in 5981
which the person was subject to the sanctions described in 5982
division (D) of that section; 5983

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 5984
of section 2903.08 of the Revised Code or a municipal ordinance 5985
that is substantially similar to either of those divisions; 5986

(v) Division (A)(2), (3), or (4) of section 2903.06, 5987
division (A)(2) of section 2903.08, or as it existed prior to 5988
March 23, 2000, section 2903.07 of the Revised Code, or a 5989
municipal ordinance that is substantially similar to any of 5990
those divisions or that former section, in a case in which the 5991

jury or judge found that the person was under the influence of 5992
alcohol, a drug of abuse, or alcohol and a drug of abuse. 5993

(b) The first thirty days of a suspension under division 5994
(B) or (D) of this section, if the person has been convicted one 5995
time within ten years of the date of the offense giving rise to 5996
the suspension under this section of any violation identified in 5997
division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 5998

(c) The first one hundred eighty days of a suspension 5999
under division (B) or (D) of this section, if the person has 6000
been convicted two times within ten years of the date of the 6001
offense giving rise to the suspension under this section of any 6002
violation identified in division ~~(E) (1) (a)~~ (E) (2) (a) of this 6003
section. 6004

(3) No limited driving privileges may be granted if the 6005
person has been convicted three or more times within five years 6006
of the date of the offense giving rise to a suspension under 6007
division (B) or (D) of this section of any violation identified 6008
in division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 6009

(4) In accordance with section 4510.022 of the Revised 6010
Code, a person may petition for, and a judge may grant, 6011
unlimited driving privileges with a certified ignition interlock 6012
device during the period of suspension imposed under division 6013
(B) or (D) of this section to a person described in division (E) 6014
(2) (a) of this section. 6015

(5) If a person petitions for limited driving privileges 6016
under division (E) (1) of this section or unlimited driving 6017
privileges with a certified ignition interlock device as 6018
provided in division (E) (4) of this section, the registrar shall 6019
be represented by the county prosecutor of the county in which 6020

the person resides if the petition is filed in a juvenile court 6021
or county court, except that if the person resides within a city 6022
or village that is located within the jurisdiction of the county 6023
in which the petition is filed, the city director of law or 6024
village solicitor of that city or village shall represent the 6025
registrar. If the petition is filed in a municipal court, the 6026
registrar shall be represented as provided in section 1901.34 of 6027
the Revised Code. 6028

(6) (a) In issuing an order granting limited driving 6029
privileges under division (E) (1) of this section, the court may 6030
impose any condition it considers reasonable and necessary to 6031
limit the use of a vehicle by the person. The court shall 6032
deliver to the person a copy of the order setting forth the 6033
time, place, and other conditions limiting the person's use of a 6034
motor vehicle. Unless division (E) (6) (b) of this section 6035
applies, the grant of limited driving privileges shall be 6036
conditioned upon the person's having the order in the person's 6037
possession at all times during which the person is operating a 6038
vehicle. 6039

(b) If, under the order, the court requires the use of an 6040
immobilizing or disabling device as a condition of the grant of 6041
limited or unlimited driving privileges, the person shall 6042
present to the registrar or to a deputy registrar the copy of 6043
the order granting limited driving privileges and a certificate 6044
affirming the installation of an immobilizing or disabling 6045
device that is in a form established by the director of public 6046
safety and is signed by the person who installed the device. 6047
Upon presentation of the order and the certificate to the 6048
registrar or a deputy registrar, the registrar or deputy 6049
registrar shall issue to the offender a restricted license, 6050
unless the offender's driver's or commercial driver's license or 6051

permit is suspended under any other provision of law and limited 6052
driving privileges have not been granted with regard to that 6053
suspension. A restricted license issued under this division 6054
shall be identical to an Ohio driver's license, except that it 6055
shall have printed on its face a statement that the offender is 6056
prohibited from operating any motor vehicle that is not equipped 6057
with an immobilizing or disabling device in violation of the 6058
order. 6059

(7) (a) Unless division (E) (7) (b) applies, a person granted 6060
limited driving privileges who operates a vehicle for other than 6061
limited purposes, in violation of any condition imposed by the 6062
court or without having the order in the person's possession, is 6063
guilty of a violation of section 4510.11 of the Revised Code. 6064

(b) No person who has been granted limited or unlimited 6065
driving privileges under division (E) of this section subject to 6066
an immobilizing or disabling device order shall operate a motor 6067
vehicle prior to obtaining a restricted license. Any person who 6068
violates this prohibition is subject to the penalties prescribed 6069
in section 4510.14 of the Revised Code. 6070

(c) The offenses established under division (E) (7) of this 6071
section are strict liability offenses and section 2901.20 of the 6072
Revised Code does not apply. 6073

(F) The provisions of division (A) (8) of section 4510.13 6074
of the Revised Code apply to a person who has been granted 6075
limited or unlimited driving privileges with a certified 6076
ignition interlock device under this section and who either 6077
commits an ignition interlock device violation as defined under 6078
section 4510.46 of the Revised Code or operates a motor vehicle 6079
that is not equipped with a certified ignition interlock device. 6080

(G) Any person whose license or permit has been suspended 6081
under division (A) or (C) of this section may file a petition in 6082
the municipal or county court, or in case the person is under 6083
eighteen years of age, the juvenile court, in whose jurisdiction 6084
the person resides, requesting the termination of the suspension 6085
and agreeing to pay the cost of the proceedings. If the court, 6086
in its discretion, determines that a termination of the 6087
suspension is appropriate, the court shall issue an order to the 6088
registrar to terminate the suspension. Upon receiving such an 6089
order, the registrar shall reinstate the license. 6090

(H) As used in divisions (C) and (D) of this section: 6091

(1) "Child" means a person who is under the age of 6092
eighteen years, except that any person who violates a statute or 6093
ordinance described in division (C) or (D) of this section prior 6094
to attaining eighteen years of age shall be deemed a "child" 6095
irrespective of the person's age at the time the complaint or 6096
other equivalent document is filed in the other state or a 6097
hearing, trial, or other proceeding is held in the other state 6098
on the complaint or other equivalent document, and irrespective 6099
of the person's age when the period of license suspension or 6100
denial prescribed in division (C) or (D) of this section is 6101
imposed. 6102

(2) "Is convicted of or pleads guilty to" means, as it 6103
relates to a child who is a resident of this state, that in a 6104
proceeding conducted in a state or federal court located in 6105
another state for a violation of a statute or ordinance 6106
described in division (C) or (D) of this section, the result of 6107
the proceeding is any of the following: 6108

(a) Under the laws that govern the proceedings of the 6109
court, the child is adjudicated to be or admits to being a 6110

delinquent child or a juvenile traffic offender for a violation 6111
described in division (C) or (D) of this section that would be a 6112
crime if committed by an adult; 6113

(b) Under the laws that govern the proceedings of the 6114
court, the child is convicted of or pleads guilty to a violation 6115
described in division (C) or (D) of this section; 6116

(c) Under the laws that govern the proceedings of the 6117
court, irrespective of the terminology utilized in those laws, 6118
the result of the court's proceedings is the functional 6119
equivalent of division (H) (2) (a) or (b) of this section. 6120

Sec. 4510.22. (A) If a person who has a current valid Ohio 6121
driver's, commercial driver's license, or temporary instruction 6122
permit is charged with a violation of any provision in sections 6123
4503.11, 4503.12, 4503.182, 4503.21, 4507.02, 4507.05, 4507.35, 6124
4510.11, 4510.111, 4510.12, 4510.16, 4510.21, 4511.01 to 6125
4511.76, 4511.81, 4511.82, 4511.84, 4513.01 to 4513.65, or 6126
4549.01 to 4549.65 of the Revised Code or with a violation of 6127
any substantially equivalent municipal ordinance and if the 6128
person ~~either~~ fails to appear in court at the required time and 6129
place to answer the charge ~~or pleads guilty to or is found~~ 6130
~~guilty of the violation and fails within the time allowed by the~~ 6131
~~court to pay the fine imposed by the court,~~ the court may 6132
declare the forfeiture of the person's license. Thirty days 6133
after such a declaration of forfeiture, the court shall inform 6134
the registrar of motor vehicles of the forfeiture by entering 6135
information relative to the forfeiture on a form approved and 6136
furnished by the registrar and sending the form to the 6137
registrar. The court also shall forward the person's license, if 6138
it is in the possession of the court, to the registrar. 6139

The registrar shall impose a class F suspension of the 6140

person's driver's or commercial driver's license, or temporary 6141
instruction permit for the period of time specified in division 6142
(B) (6) of section 4510.02 of the Revised Code on any person who 6143
is named in a declaration received by the registrar under this 6144
section. The registrar shall send written notification of the 6145
suspension to the person at the person's last known address and, 6146
if the person is in possession of the license, order the person 6147
to surrender the person's license or permit to the registrar 6148
within forty-eight hours. 6149

No valid driver's or commercial driver's license shall be 6150
granted to the person after the suspension, unless the court 6151
having jurisdiction of the offense that led to the suspension 6152
orders that the forfeiture be terminated. The court shall order 6153
the termination of the forfeiture if the person thereafter 6154
~~appears to answer the charge and pays any fine imposed by the~~ 6155
~~court or pays the fine originally imposed by the court.~~ The 6156
court shall inform the registrar of the termination of the 6157
forfeiture by entering information relative to the termination 6158
on a form approved and furnished by the registrar and sending 6159
the form to the registrar. The person shall pay to the registrar 6160
of motor vehicles or an eligible deputy registrar a twenty-five- 6161
dollar reinstatement fee. In addition, each deputy registrar 6162
shall collect a service fee of ten dollars to compensate the 6163
deputy registrar for services performed under this section. The 6164
deputy registrar shall retain eight dollars of the service fee 6165
and shall transmit the reinstatement fee, plus two dollars of 6166
the service fee, to the registrar in the manner the registrar 6167
shall determine. The registrar shall deposit fifteen dollars of 6168
the reinstatement fee into the state treasury to the credit of 6169
the public safety - highway purposes fund created by section 6170
4501.06 of the Revised Code to cover the costs of the bureau in 6171

administering this section and shall deposit ten dollars of the 6172
fee into the state treasury to the credit of the indigent 6173
defense support fund created by section 120.08 of the Revised 6174
Code. 6175

(B) In addition to suspending the driver's or commercial 6176
driver's license or permit of the person named in a declaration 6177
of forfeiture, the registrar, upon receipt from the court of the 6178
copy of the declaration of forfeiture, shall take any measures 6179
that may be necessary to ensure that neither the registrar nor 6180
any deputy registrar accepts any application for the 6181
registration or transfer of registration of any motor vehicle 6182
owned or leased by the person named in the declaration of 6183
forfeiture. However, for a motor vehicle leased by a person 6184
named in a declaration of forfeiture, the registrar shall not 6185
implement the preceding sentence until the registrar adopts 6186
procedures for that implementation under section 4503.39 of the 6187
Revised Code. The period of denial of registration or transfer 6188
shall continue until such time as the court having jurisdiction 6189
of the offense that led to the suspension orders the forfeiture 6190
be terminated. Upon receipt by the registrar of an order 6191
terminating the forfeiture, the registrar also shall take any 6192
measures that may be necessary to permit the person to register 6193
a motor vehicle owned or leased by the person or to transfer the 6194
registration of such a motor vehicle, if the person later makes 6195
application to take such action and otherwise is eligible to 6196
register the motor vehicle or to transfer its registration. 6197

The registrar shall not be required to give effect to any 6198
declaration of forfeiture or order terminating a forfeiture 6199
provided by a court under this section unless the information 6200
contained in the declaration or order is transmitted to the 6201
registrar by means of an electronic transfer system. The 6202

registrar shall not restore the person's driving or vehicle 6203
registration privileges until the person pays the reinstatement 6204
fee as provided in this section. 6205

~~The period of denial relating to the issuance or transfer 6206
of a certificate of registration for a motor vehicle imposed 6207
pursuant to this division remains in effect until the person 6208
pays any fine imposed by the court relative to the offense. 6209~~

Sec. 4511.62. (A) (1) Whenever any person driving a vehicle 6210
or trackless trolley approaches a railroad grade crossing, the 6211
person shall stop within fifty feet, but not less than fifteen 6212
feet from the nearest rail of the railroad if any of the 6213
following circumstances exist at the crossing: 6214

(a) A clearly visible electric or mechanical signal device 6215
gives warning of the immediate approach of a train or other on- 6216
track equipment. 6217

(b) A crossing gate is lowered. 6218

(c) A flagperson gives or continues to give a signal of 6219
the approach or passage of a train or other on-track equipment. 6220

(d) There is insufficient space on the other side of the 6221
railroad grade crossing to accommodate the vehicle or trackless 6222
trolley the person is operating without obstructing the passage 6223
of other vehicles, trackless trolleys, pedestrians, or railroad 6224
trains, notwithstanding any traffic control signal indication to 6225
proceed. 6226

(e) An approaching train is emitting an audible signal or 6227
is plainly visible and is in hazardous proximity to the 6228
crossing. 6229

(f) There is insufficient undercarriage clearance to 6230

safely negotiate the crossing. 6231

(g) There is insufficient space on the other side of the 6232
railroad grade crossing to accommodate the vehicle or trackless 6233
trolley the person is operating without obstructing the passage 6234
of other on-track equipment. 6235

(h) Approaching on-track equipment is emitting an audible 6236
signal or is plainly visible and is in hazardous proximity to 6237
the crossing. 6238

~~(2)~~ (2) (a) A person who is driving a vehicle or trackless 6239
trolley and who approaches a railroad grade crossing shall not 6240
proceed as long as any of the circumstances described in 6241
divisions (A) (1) (a) to (f) of this section exist at the 6242
crossing. 6243

(b) A person who is driving a vehicle or trackless trolley 6244
and who approaches a railroad grade crossing shall not 6245
recklessly proceed as long as any of the circumstances described 6246
in division (A) (1) (g) or (h) of this section exist at the 6247
crossing. 6248

(B) No person shall drive any vehicle through, around, or 6249
under any crossing gate or barrier at a railroad crossing while 6250
the gate or barrier is closed or is being opened or closed 6251
unless the person is signaled by a law enforcement officer or 6252
flagperson that it is permissible to do so. 6253

~~(C)~~ (1) Whoever violates this section is guilty of a 6254
misdemeanor of the fourth degree. 6255

(2) In lieu of a fine or jail term for a violation of this 6256
section, a court may instead order the offender to attend and 6257
successfully complete a remedial safety training or presentation 6258
regarding rail safety that is offered by an authorized and 6259

qualified organization that is selected by the court. The 6260
offender shall complete the presentation within a time frame 6261
determined by the court, not to exceed one hundred eighty days 6262
after the court issues the order. The offender shall notify the 6263
court of the successful completion of the presentation. When the 6264
offender notifies the court of the successful completion of the 6265
presentation, the court shall waive any fine or jail term that 6266
it otherwise would have imposed for a violation of this section. 6267

Sec. 4511.63. (A) Except as provided in division (B) of 6268
this section, the operator of any bus, any school vehicle, or 6269
any vehicle transporting a material or materials required to be 6270
placarded under 49 C.F.R. Parts 100-185, before crossing at 6271
grade any track of a railroad, shall stop the vehicle and, while 6272
so stopped, shall listen through an open door or open window and 6273
look in both directions along the track for any approaching 6274
train or other on-track equipment, and for signals indicating 6275
the approach of a train or other on-track equipment, and shall 6276
proceed only upon exercising due care after stopping, looking, 6277
and listening as required by this section. Upon proceeding, the 6278
operator of such a vehicle shall cross only in a gear that will 6279
ensure there will be no necessity for changing gears while 6280
traversing the crossing and shall not shift gears while crossing 6281
the tracks. 6282

(B) This section does not apply at grade crossings when 6283
the public utilities commission has authorized and approved an 6284
exempt crossing as provided in this division. 6285

(1) Any local authority may file an application with the 6286
commission requesting the approval of an exempt crossing. Upon 6287
receipt of such a request, the commission shall authorize a 6288
limited period for the filing of comments by any party regarding 6289

the application and then shall conduct a public hearing in the 6290
community seeking the exempt crossing designation. The 6291
commission shall provide appropriate prior public notice of the 6292
comment period and the public hearing. By registered mail, the 6293
commission shall notify each railroad operating over the 6294
crossing of the comment period. 6295

(2) After considering any comments or other information 6296
received, the commission may approve or reject the application. 6297
By order, the commission may establish conditions for the exempt 6298
crossing designation, including compliance with division (b) of 6299
49 C.F.R. Part 392.10, when applicable. An exempt crossing 6300
designation becomes effective only when appropriate signs giving 6301
notice of the exempt designation are erected at the crossing as 6302
ordered by the commission and any other conditions ordered by 6303
the commission are satisfied. 6304

(3) By order, the commission may rescind any exempt 6305
crossing designation made under this section if the commission 6306
finds that a condition at the exempt crossing has changed to 6307
such an extent that the continuation of the exempt crossing 6308
designation compromises public safety. The commission may 6309
conduct a public hearing to investigate and determine whether to 6310
rescind the exempt crossing designation. If the commission 6311
rescinds the designation, it shall order the removal of any 6312
exempt crossing signs and may make any other necessary order. 6313

(C) As used in this section: 6314

(1) "School vehicle" means any vehicle used for the 6315
transportation of pupils to and from a school or school-related 6316
function if the vehicle is owned or operated by, or operated 6317
under contract with, a public or nonpublic school. 6318

(2) "Bus" means any vehicle originally designed by its manufacturer to transport sixteen or more passengers, including the driver, or carries sixteen or more passengers, including the driver.

(3) "Exempt crossing" means a highway rail grade crossing authorized and approved by the public utilities commission under division (B) of this section at which vehicles may cross without making the stop otherwise required by this section.

(D) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4511.64. (A) No person shall operate or move any crawler-type tractor, steam shovel, derrick, roller, or any equipment or structure having a normal operating speed of six or less miles per hour or a vertical body or load clearance of less than nine inches above the level surface of a roadway, upon or across any tracks at a railroad grade crossing without first complying with divisions (A) (1) and (2) of this section.

(1) Before making any such crossing, the person operating or moving any such vehicle or equipment shall first stop the same, and while stopped the person shall listen and look in both directions along such track for any approaching train or other on-track equipment and for signals indicating the approach of a train or other on-track equipment, and shall proceed only upon exercising due care.

(2) No such crossing shall be made when warning is given 6349
by automatic signal or crossing gates or a flagperson or 6350
otherwise of the immediate approach of a railroad train or car 6351
or other on-track equipment. 6352

(B) If the normal sustained speed of such vehicle, 6353
equipment, or structure is not more than three miles per hour, 6354
the person owning, operating, or moving the same shall also give 6355
notice of such intended crossing to a station agent or 6356
superintendent of the railroad, and a reasonable time shall be 6357
given to such railroad to provide proper protection for such 6358
crossing. Where such vehicles or equipment are being used in 6359
constructing or repairing a section of highway lying on both 6360
sides of a railroad grade crossing, and in such construction or 6361
repair it is necessary to repeatedly move such vehicles or 6362
equipment over such crossing, one daily notice specifying when 6363
such work will start and stating the hours during which it will 6364
be prosecuted is sufficient. 6365

(C) Except as otherwise provided in this division, whoever 6366
violates this section is guilty of a minor misdemeanor. If, 6367
within one year of the offense, the offender previously has been 6368
convicted of or pleaded guilty to one predicate motor vehicle or 6369
traffic offense, whoever violates this section is guilty of a 6370
misdemeanor of the fourth degree. If, within one year of the 6371
offense, the offender previously has been convicted of two or 6372
more predicate motor vehicle or traffic offenses, whoever 6373
violates this section is guilty of a misdemeanor of the third 6374
degree. 6375

If the offender commits the offense while distracted and 6376
the distracting activity is a contributing factor to the 6377
commission of the offense, the offender is subject to the 6378

additional fine established under section 4511.991 of the Revised Code. 6379
6380

Section 2. That existing sections 1901.44, 1905.202, 6381
1907.25, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 6382
2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 6383
2925.32, 2925.36, 2925.37, 2935.26, 2935.27, 2937.40, 2947.09, 6384
3123.54, 3123.56, 3123.58, 3321.13, 3321.191, 4501.06, 4503.10, 6385
4503.102, 4503.12, 4503.20, 4503.39, 4507.212, 4509.101, 6386
4509.45, 4509.66, 4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 6387
4510.16, 4510.17, 4510.22, 4511.62, 4511.63, and 4511.64 of the 6388
Revised Code are hereby repealed. 6389

Section 3. That sections 2937.221 and 4510.32 of the 6390
Revised Code are hereby repealed. 6391

Section 4. (A) An offender who received a suspension of 6392
the offender's temporary instruction permit or driver's license 6393
or a denial of the opportunity to obtain a permit or license 6394
under section 4510.32 of the Revised Code, as it existed prior 6395
to the effective date of this section, may file a motion with 6396
the juvenile court in whose jurisdiction the offender resides 6397
requesting the termination of the suspension or denial. 6398

(B) Upon the filing of a motion under this section, the 6399
juvenile court, in its discretion, may order the registrar of 6400
motor vehicles to terminate the suspension or terminate the 6401
denial of the opportunity to obtain a permit or license. If so 6402
ordered, the registrar shall do all of the following: 6403

(1) Cancel the record created for the offender regarding 6404
the suspension or denial of the offender's opportunity to obtain 6405
a permit or license; 6406

(2) Terminate the suspension of the offender's permit or 6407

license or the denial of the offender's opportunity to obtain a 6408
permit or license; 6409

(3) Return the driver's license or permit to the offender 6410
or reissue the offender's license or permit under section 6411
4510.52 of the Revised Code, if the registrar destroyed the 6412
suspended license or permit under that section. 6413

Section 5. (A) Not later than thirty days after the 6414
effective date of this section, the Registrar of Motor Vehicles 6415
shall remove any suspensions of an individual's driver's license 6416
or motor vehicle registration that were imposed under section 6417
4510.22 of the Revised Code, prior to the effective date of this 6418
section, for failure to pay a court fine or fee. 6419

(B) Not later than thirty days after the effective date of 6420
this section, the Registrar shall create a list of individuals 6421
whose driver's license or motor vehicle registration is 6422
suspended under section 2935.27 of the Revised Code for failure 6423
to pay a court fine or fee. The Registrar shall notify the 6424
courts that suspended those individuals' driver's licenses or 6425
motor vehicle registrations of the individuals' names and 6426
suspension. The courts shall order the Registrar to remove the 6427
suspensions associated with section 2935.27 of the Revised Code 6428
for those individuals. 6429

(C) The Registrar shall not charge any fees, including 6430
reinstatement fees, associated with the reinstatement of a 6431
driver's license or motor vehicle registration under this 6432
section. 6433

(D) (1) An individual whose driver's license suspension or 6434
motor vehicle registration suspension is removed under division 6435
(A) or (B) of this section may have that individual's driver's 6436

license or motor vehicle registration reinstated at a deputy 6437
registrar office, provided that the individual's driver's 6438
license or motor vehicle registration is not also suspended for 6439
any other offense. 6440

(2) If an individual's driver's license or motor vehicle 6441
registration is suspended for another offense, once the 6442
individual's license or registration is eligible for 6443
reinstatement, that individual may apply for reinstatement and 6444
shall not be required to pay any fees, including reinstatement 6445
fees, associated with the suspension removed under division (A) 6446
or (B) of this section. The individual may still be required to 6447
pay reinstatement fees associated with the other offense for 6448
which the individual's driver's license or motor vehicle 6449
registration was suspended. 6450

(E) The Registrar shall notify any individual impacted by 6451
this section of the terms of the removal of driver's license and 6452
motor vehicle registration suspensions under this section and 6453
the process by which to reinstate the individual's driver's 6454
license or motor vehicle registration. 6455

Section 6. (A) Not later than thirty days after the 6456
effective date of this section, the Registrar of Motor Vehicles 6457
shall remove any remaining driver's license suspensions that 6458
were imposed as a result of the Financial Responsibility Random 6459
Verification Program. That Program was eliminated through H.B. 6460
62 of the 133rd General Assembly, effective July 3, 2019. The 6461
Registrar shall not charge any fees, including reinstatement 6462
fees, associated with the reinstatement of a driver's license 6463
that was suspended as a result of that Program. 6464

(B) (1) A person whose driver's license suspension is 6465
removed under division (A) of this section may have that 6466

person's driver's license reinstated at a deputy registrar 6467
office, provided that person's driver's license is not also 6468
suspended for any other offense. 6469

(2) If a person's driver's license is suspended for 6470
another offense, once the person's license is eligible for 6471
reinstatement, that person may apply for reinstatement and shall 6472
not be required to pay any fees, including reinstatement fees, 6473
associated with the Program. The person may still be required to 6474
pay reinstatement fees associated with the other offense for 6475
which the person's driver's license was suspended. 6476

(C) The Registrar shall notify any person impacted by this 6477
section of the terms of the removal of driver's license 6478
suspensions associated with the Financial Responsibility Random 6479
Verification Program and the process by which to reinstate the 6480
person's driver's license. 6481

Section 7. The General Assembly, applying the principle 6482
stated in division (B) of section 1.52 of the Revised Code that 6483
amendments are to be harmonized if reasonably capable of 6484
simultaneous operation, finds that the following sections, 6485
presented in this act as composites of the sections as amended 6486
by the acts indicated, are the resulting versions of the 6487
sections in effect prior to the effective date of the sections 6488
as presented in this act: 6489

Section 2925.04 of the Revised Code as amended by both 6490
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6491

Section 2925.05 of the Revised Code as amended by both 6492
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6493