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Sub. H. B. No. 37

Representatives Johnson, Miller, K.

Cosponsors: Representatives Merrin, Plummer, Hall, Stewart, Dean, Gross, Abrams, Bird, Brennan, Brewer, Brown, Carruthers, Claggett, Click, Creech, Cross, Daniels, Dell'Aquila, Demetriou, Denson, Dobos, Ghanbari, Holmes, Hoops, John, Jones, Kick, King, Klopfenstein, Lampton, LaRe, Lear, Lorenz, Manning, McClain, Miller, J., Miller, M., Mohamed, Oelslager, Patton, Pavliga, Peterson, Ray, Richardson, Robb Blasdel, Robinson, Roemer, Santucci, Schmidt, Somani, Stein, Swearingen, Thomas, C., Upchurch, Weinstein, White, Willis, Young, T., Speaker Stephens

Senators Dolan, Gavarone, Manning, Antonio, Cirino, Craig, Ingram, Johnson, Kunze, Lang, Reineke, Reynolds, Romanchuk, Smith, Wilkin

A BILL

To amend sections 1547.11, 1547.111, 2317.02, 1
2317.022, 2743.191, 2903.06, 2929.14, 2929.142, 2
3701.143, 4503.234, 4503.235, 4506.17, 4510.13, 3
4510.17, 4510.31, 4510.54, 4511.19, 4511.191, 4
4511.192, and 4513.263 of the Revised Code to 5
modify the law related to OVI-related offenses. 6

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

Section 1. That sections 1547.11, 1547.111, 2317.02, 7
2317.022, 2743.191, 2903.06, 2929.14, 2929.142, 3701.143, 8
4503.234, 4503.235, 4506.17, 4510.13, 4510.17, 4510.31, 4510.54, 9
4511.19, 4511.191, 4511.192, and 4513.263 of the Revised Code be 10
amended to read as follows: 11

Sec. 1547.11. (A) No person shall operate or be in 12
physical control of any vessel underway or shall manipulate any 13
water skis, aquaplane, or similar device on the waters in this 14
state if, at the time of the operation, control, or 15
manipulation, any of the following applies: 16

(1) The person is under the influence of alcohol, a drug 17
of abuse, or a combination of them. 18

(2) The person has a concentration of eight-hundredths of 19
one per cent or more by weight of alcohol per unit volume in the 20
person's whole blood. 21

(3) The person has a concentration of ninety-six- 22
thousandths of one per cent or more by weight per unit volume of 23
alcohol in the person's blood serum or plasma. 24

(4) The person has a concentration of eleven-hundredths of 25
one gram or more by weight of alcohol per one hundred 26
milliliters of the person's urine. 27

(5) The person has a concentration of eight-hundredths of 28
one gram or more by weight of alcohol per two hundred ten liters 29
of the person's breath. 30

(6) Except as provided in division (H) of this section, 31
the person has a concentration of any of the following 32
controlled substances or metabolites of a controlled substance 33
in the person's whole blood, blood serum or plasma, or urine 34
that equals or exceeds any of the following: 35

(a) The person has a concentration of amphetamine in the 36
person's urine of at least five hundred nanograms of amphetamine 37
per milliliter of the person's urine or has a concentration of 38
amphetamine in the person's whole blood or blood serum or plasma 39
of at least one hundred nanograms of amphetamine per milliliter 40

of the person's whole blood or blood serum or plasma. 41

(b) The person has a concentration of cocaine in the 42
person's urine of at least one hundred fifty nanograms of 43
cocaine per milliliter of the person's urine or has a 44
concentration of cocaine in the person's whole blood or blood 45
serum or plasma of at least fifty nanograms of cocaine per 46
milliliter of the person's whole blood or blood serum or plasma. 47

(c) The person has a concentration of cocaine metabolite 48
in the person's urine of at least one hundred fifty nanograms of 49
cocaine metabolite per milliliter of the person's urine or has a 50
concentration of cocaine metabolite in the person's whole blood 51
or blood serum or plasma of at least fifty nanograms of cocaine 52
metabolite per milliliter of the person's whole blood or blood 53
serum or plasma. 54

(d) The person has a concentration of heroin in the 55
person's urine of at least two thousand nanograms of heroin per 56
milliliter of the person's urine or has a concentration of 57
heroin in the person's whole blood or blood serum or plasma of 58
at least fifty nanograms of heroin per milliliter of the 59
person's whole blood or blood serum or plasma. 60

(e) The person has a concentration of heroin metabolite 61
(6-monoacetyl morphine) in the person's urine of at least ten 62
nanograms of heroin metabolite (6-monoacetyl morphine) per 63
milliliter of the person's urine or has a concentration of 64
heroin metabolite (6-monoacetyl morphine) in the person's whole 65
blood or blood serum or plasma of at least ten nanograms of 66
heroin metabolite (6-monoacetyl morphine) per milliliter of the 67
person's whole blood or blood serum or plasma. 68

(f) The person has a concentration of L.S.D. in the 69

person's urine of at least twenty-five nanograms of L.S.D. per 70
milliliter of the person's urine or has a concentration of 71
L.S.D. in the person's whole blood or blood serum or plasma of 72
at least ten nanograms of L.S.D. per milliliter of the person's 73
whole blood or blood serum or plasma. 74

(g) The person has a concentration of marihuana in the 75
person's urine of at least ten nanograms of marihuana per 76
milliliter of the person's urine or has a concentration of 77
marihuana in the person's whole blood or blood serum or plasma 78
of at least two nanograms of marihuana per milliliter of the 79
person's whole blood or blood serum or plasma. 80

(h) The state board of pharmacy has adopted a rule 81
pursuant to section 4729.041 of the Revised Code that specifies 82
the amount of salvia divinorum and the amount of salvinorin A 83
that constitute concentrations of salvia divinorum and 84
salvinorin A in a person's urine, in a person's whole blood, or 85
in a person's blood serum or plasma at or above which the person 86
is impaired for purposes of operating or being in physical 87
control of any vessel underway or manipulating any water skis, 88
aquaplane, or similar device on the waters of this state, the 89
rule is in effect, and the person has a concentration of salvia 90
divinorum or salvinorin A of at least that amount so specified 91
by rule in the person's urine, in the person's whole blood, or 92
in the person's blood serum or plasma. 93

(i) Either of the following applies: 94

(i) The person is under the influence of alcohol, a drug 95
of abuse, or a combination of them, and, as measured by gas 96
chromatography mass spectrometry, the person has a concentration 97
of marihuana metabolite in the person's urine of at least 98
fifteen nanograms of marihuana metabolite per milliliter of the 99

person's urine or has a concentration of marihuana metabolite in 100
the person's whole blood or blood serum or plasma of at least 101
five nanograms of marihuana metabolite per milliliter of the 102
person's whole blood or blood serum or plasma. 103

(ii) As measured by gas chromatography mass spectrometry, 104
the person has a concentration of marihuana metabolite in the 105
person's urine of at least thirty-five nanograms of marihuana 106
metabolite per milliliter of the person's urine or has a 107
concentration of marihuana metabolite in the person's whole 108
blood or blood serum or plasma of at least fifty nanograms of 109
marihuana metabolite per milliliter of the person's whole blood 110
or blood serum or plasma. 111

(j) The person has a concentration of methamphetamine in 112
the person's urine of at least five hundred nanograms of 113
methamphetamine per milliliter of the person's urine or has a 114
concentration of methamphetamine in the person's whole blood or 115
blood serum or plasma of at least one hundred nanograms of 116
methamphetamine per milliliter of the person's whole blood or 117
blood serum or plasma. 118

(k) The person has a concentration of phencyclidine in the 119
person's urine of at least twenty-five nanograms of 120
phencyclidine per milliliter of the person's urine or has a 121
concentration of phencyclidine in the person's whole blood or 122
blood serum or plasma of at least ten nanograms of phencyclidine 123
per milliliter of the person's whole blood or blood serum or 124
plasma. 125

(B) No person under twenty-one years of age shall operate 126
or be in physical control of any vessel underway or shall 127
manipulate any water skis, aquaplane, or similar device on the 128
waters in this state if, at the time of the operation, control, 129

or manipulation, any of the following applies: 130

(1) The person has a concentration of at least two- 131
hundredths of one per cent, but less than eight-hundredths of 132
one per cent by weight per unit volume of alcohol in the 133
person's whole blood. 134

(2) The person has a concentration of at least three- 135
hundredths of one per cent but less than ninety-six-thousandths 136
of one per cent by weight per unit volume of alcohol in the 137
person's blood serum or plasma. 138

(3) The person has a concentration of at least twenty- 139
eight one-thousandths of one gram, but less than eleven- 140
hundredths of one gram by weight of alcohol per one hundred 141
milliliters of the person's urine. 142

(4) The person has a concentration of at least two- 143
hundredths of one gram, but less than eight-hundredths of one 144
gram by weight of alcohol per two hundred ten liters of the 145
person's breath. 146

(C) In any proceeding arising out of one incident, a 147
person may be charged with a violation of division (A) (1) and a 148
violation of division (B) (1), (2), (3), or (4) of this section, 149
but the person shall not be convicted of more than one violation 150
of those divisions. 151

(D) (1) (a) In any criminal prosecution or juvenile court 152
proceeding for a violation of division (A) or (B) of this 153
section or for an equivalent offense that is watercraft-related, 154
the result of any test of any blood, oral fluid, or urine 155
withdrawn and analyzed at any health care provider, as defined 156
in section 2317.02 of the Revised Code, may be admitted with 157
expert testimony to be considered with any other relevant and 158

competent evidence in determining the guilt or innocence of the 159
defendant. 160

(b) In any criminal prosecution or juvenile court 161
proceeding for a violation of division (A) or (B) of this 162
section or for an equivalent offense that is watercraft-related, 163
the court may admit evidence on the presence and concentration 164
of alcohol, drugs of abuse, controlled substances, metabolites 165
of a controlled substance, or a combination of them in the 166
defendant's or child's whole blood, blood serum or plasma, 167
urine, oral fluid, or breath at the time of the alleged 168
violation as shown by chemical analysis of the substance 169
withdrawn, or specimen taken within three hours of the time of 170
the alleged violation. The three-hour time limit specified in 171
this division regarding the admission of evidence does not 172
extend or affect the two-hour time limit specified in division 173
(C) of section 1547.111 of the Revised Code as the maximum 174
period of time during which a person may consent to a chemical 175
test or tests as described in that section. The court may admit 176
evidence on the presence and concentration of alcohol, drugs of 177
abuse, or a combination of them as described in this division 178
when a person submits to a blood, breath, urine, oral fluid, or 179
other bodily substance test at the request of a law enforcement 180
officer under section 1547.111 of the Revised Code or a blood or 181
urine sample is obtained pursuant to a search warrant. Only a 182
physician, a registered nurse, an emergency medical technician- 183
intermediate, an emergency medical technician-paramedic, or a 184
qualified technician, chemist, or phlebotomist shall withdraw 185
blood for the purpose of determining the alcohol, drug, 186
controlled substance, metabolite of a controlled substance, or 187
combination content of the whole blood, blood serum, or blood 188
plasma. This limitation does not apply to the taking of breath, 189

oral fluid, or urine specimens. A person authorized to withdraw 190
blood under this division may refuse to withdraw blood under 191
this division if, in that person's opinion, the physical welfare 192
of the defendant or child would be endangered by withdrawing 193
blood. 194

The whole blood, blood serum or plasma, urine, oral fluid, 195
or breath withdrawn under division (D) (1) (b) of this section 196
shall be analyzed in accordance with methods approved by the 197
director of health by an individual possessing a valid permit 198
issued by the director pursuant to section 3701.143 of the 199
Revised Code. 200

(2) In a criminal prosecution or juvenile court proceeding 201
for a violation of division (A) of this section or for an 202
equivalent offense that is watercraft-related, if there was at 203
the time the bodily substance was taken a concentration of less 204
than the applicable concentration of alcohol specified for a 205
violation of division (A) (2), (3), (4), or (5) of this section 206
or less than the applicable concentration of a listed controlled 207
substance or a listed metabolite of a controlled substance 208
specified for a violation of division (A) (6) of this section, 209
that fact may be considered with other competent evidence in 210
determining the guilt or innocence of the defendant or in making 211
an adjudication for the child. This division does not limit or 212
affect a criminal prosecution or juvenile court proceeding for a 213
violation of division (B) of this section or for a violation of 214
a prohibition that is substantially equivalent to that division. 215

(3) Upon the request of the person who was tested, the 216
results of the chemical test shall be made available to the 217
person or the person's attorney immediately upon completion of 218
the test analysis. 219

If the chemical test was administered pursuant to division 220
(D) (1) (b) of this section, the person tested may have a 221
physician, a registered nurse, or a qualified technician, 222
chemist, or phlebotomist of the person's own choosing administer 223
a chemical test or tests in addition to any administered at the 224
direction of a law enforcement officer, and shall be so advised. 225
The failure or inability to obtain an additional test by a 226
person shall not preclude the admission of evidence relating to 227
the test or tests taken at the direction of a law enforcement 228
officer. 229

(E) (1) In any criminal prosecution or juvenile court 230
proceeding for a violation of division (A) or (B) of this 231
section, of a municipal ordinance relating to operating or being 232
in physical control of any vessel underway or to manipulating 233
any water skis, aquaplane, or similar device on the waters of 234
this state while under the influence of alcohol, a drug of 235
abuse, or a combination of them, or of a municipal ordinance 236
relating to operating or being in physical control of any vessel 237
underway or to manipulating any water skis, aquaplane, or 238
similar device on the waters of this state with a prohibited 239
concentration of alcohol, a controlled substance, or a 240
metabolite of a controlled substance in the whole blood, blood 241
serum or plasma, breath, oral fluid, or urine, if a law 242
enforcement officer has administered a field sobriety test to 243
the operator or person found to be in physical control of the 244
vessel underway involved in the violation or the person 245
manipulating the water skis, aquaplane, or similar device 246
involved in the violation and if it is shown by clear and 247
convincing evidence that the officer administered the test in 248
substantial compliance with the testing standards for reliable, 249
credible, and generally accepted field sobriety tests for 250

vehicles that were in effect at the time the tests were 251
administered, including, but not limited to, any testing 252
standards then in effect that have been set by the national 253
highway traffic safety administration, that by their nature are 254
not clearly inapplicable regarding the operation or physical 255
control of vessels underway or the manipulation of water skis, 256
aquaplanes, or similar devices, all of the following apply: 257

(a) The officer may testify concerning the results of the 258
field sobriety test so administered. 259

(b) The prosecution may introduce the results of the field 260
sobriety test so administered as evidence in any proceedings in 261
the criminal prosecution or juvenile court proceeding. 262

(c) If testimony is presented or evidence is introduced 263
under division (E) (1) (a) or (b) of this section and if the 264
testimony or evidence is admissible under the Rules of Evidence, 265
the court shall admit the testimony or evidence, and the trier 266
of fact shall give it whatever weight the trier of fact 267
considers to be appropriate. 268

(2) Division (E) (1) of this section does not limit or 269
preclude a court, in its determination of whether the arrest of 270
a person was supported by probable cause or its determination of 271
any other matter in a criminal prosecution or juvenile court 272
proceeding of a type described in that division, from 273
considering evidence or testimony that is not otherwise 274
disallowed by division (E) (1) of this section. 275

(F) (1) Subject to division (F) (3) of this section, in any 276
criminal prosecution or juvenile court proceeding for a 277
violation of division (A) or (B) of this section or for an 278
equivalent offense that is substantially equivalent to either of 279

those divisions, the court shall admit as prima-facie evidence a 280
laboratory report from any laboratory personnel issued a permit 281
by the department of health authorizing an analysis as described 282
in this division that contains an analysis of the whole blood, 283
blood serum or plasma, breath, urine, or other bodily substance 284
tested and that contains all of the information specified in 285
this division. The laboratory report shall contain all of the 286
following: 287

(a) The signature, under oath, of any person who performed 288
the analysis; 289

(b) Any findings as to the identity and quantity of 290
alcohol, a drug of abuse, a controlled substance, a metabolite 291
of a controlled substance, or a combination of them that was 292
found; 293

(c) A copy of a notarized statement by the laboratory 294
director or a designee of the director that contains the name of 295
each certified analyst or test performer involved with the 296
report, the analyst's or test performer's employment 297
relationship with the laboratory that issued the report, and a 298
notation that performing an analysis of the type involved is 299
part of the analyst's or test performer's regular duties; 300

(d) An outline of the analyst's or test performer's 301
education, training, and experience in performing the type of 302
analysis involved and a certification that the laboratory 303
satisfies appropriate quality control standards in general and, 304
in this particular analysis, under rules of the department of 305
health. 306

(2) Notwithstanding any other provision of law regarding 307
the admission of evidence, a report of the type described in 308

division (F) (1) of this section is not admissible against the 309
defendant or child to whom it pertains in any proceeding, other 310
than a preliminary hearing or a grand jury proceeding, unless 311
the prosecutor has served a copy of the report on the 312
defendant's or child's attorney or, if the defendant or child 313
has no attorney, on the defendant or child. 314

(3) A report of the type described in division (F) (1) of 315
this section shall not be prima-facie evidence of the contents, 316
identity, or amount of any substance if, within seven days after 317
the defendant or child to whom the report pertains or the 318
defendant's or child's attorney receives a copy of the report, 319
the defendant or child or the defendant's or child's attorney 320
demands the testimony of the person who signed the report. The 321
judge in the case may extend the seven-day time limit in the 322
interest of justice. 323

(G) Except as otherwise provided in this division, any 324
physician, registered nurse, emergency medical technician- 325
intermediate, emergency medical technician-paramedic, or 326
qualified technician, chemist, or phlebotomist who withdraws 327
blood from a person pursuant to this section or section 1547.111 328
of the Revised Code, and a hospital, first-aid station, or 329
clinic at which blood is withdrawn from a person pursuant to 330
this section or section 1547.111 of the Revised Code, is immune 331
from criminal and civil liability based upon a claim of assault 332
and battery or any other claim that is not a claim of 333
malpractice, for any act performed in withdrawing blood from the 334
person. The immunity provided in this division also extends to 335
an emergency medical service organization that employs an 336
emergency medical technician-intermediate or an emergency 337
medical technician-paramedic who withdraws blood under this 338
section. The immunity provided in this division is not available 339

to a person who withdraws blood if the person engages in willful 340
or wanton misconduct. 341

(H) Division (A) (6) of this section does not apply to a 342
person who operates or is in physical control of a vessel 343
underway or manipulates any water skis, aquaplane, or similar 344
device while the person has a concentration of a listed 345
controlled substance or a listed metabolite of a controlled 346
substance in the person's whole blood, blood serum or plasma, or 347
urine that equals or exceeds the amount specified in that 348
division, if both of the following apply: 349

(1) The person obtained the controlled substance pursuant 350
to a prescription issued by a licensed health professional 351
authorized to prescribe drugs. 352

(2) The person injected, ingested, or inhaled the 353
controlled substance in accordance with the health 354
professional's directions. 355

(I) As used in this section and section 1547.111 of the 356
Revised Code: 357

(1) "Equivalent offense" has the same meaning as in 358
section 4511.181 of the Revised Code. 359

(2) "National highway traffic safety administration" has 360
the same meaning as in section 4511.19 of the Revised Code. 361

(3) "Operate" means that a vessel is being used on the 362
waters in this state when the vessel is not securely affixed to 363
a dock or to shore or to any permanent structure to which the 364
vessel has the right to affix or that a vessel is not anchored 365
in a designated anchorage area or boat camping area that is 366
established by the United States coast guard, this state, or a 367
political subdivision and in which the vessel has the right to 368

anchor.	369
(4) "Controlled substance" and "marihuana" have the same meanings as in section 3719.01 of the Revised Code.	370 371
(5) "Cocaine" and "L.S.D." have the same meanings as in section 2925.01 of the Revised Code.	372 373
(6) "Equivalent offense that is watercraft-related" means an equivalent offense that is one of the following:	374 375
(a) A violation of division (A) of this section;	376
(b) A violation of a municipal ordinance prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state while under the influence of alcohol, a drug of abuse, or a combination of them or prohibiting a person from operating or being in physical control of any vessel underway or from manipulating any water skis, aquaplane, or similar device on the waters of this state with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine;	377 378 379 380 381 382 383 384 385 386 387
(c) A violation of an existing or former municipal ordinance, law of another state, or law of the United States that is substantially equivalent to division (A) of this section;	388 389 390 391
(d) A violation of a former law of this state that was substantially equivalent to division (A) of this section.	392 393
(7) "Emergency medical technician-intermediate" and "emergency medical technician-paramedic" have the same meanings as in section 4765.01 of the Revised Code.	394 395 396

Sec. 1547.111. (A) (1) (a) Any person who operates or is in 397
physical control of a vessel or manipulates any water skis, 398
aquaplane, or similar device upon any waters in this state shall 399
be deemed to have given consent to a chemical test or tests to 400
determine the alcohol, drug of abuse, controlled substance, 401
metabolite of a controlled substance, or combination content of 402
the person's whole blood, blood serum or plasma, breath, oral 403
fluid, or urine if arrested for operating or being in physical 404
control of a vessel or manipulating any water skis, aquaplane, 405
or similar device in violation of section 1547.11 of the Revised 406
Code or a substantially equivalent municipal ordinance. 407

(b) The test or tests under division (A) (1) of this 408
section shall be administered at the request of a law 409
enforcement officer having reasonable grounds to believe the 410
person was operating or in physical control of a vessel or 411
manipulating any water skis, aquaplane, or similar device in 412
violation of section 1547.11 of the Revised Code or a 413
substantially equivalent municipal ordinance. The law 414
enforcement agency by which the officer is employed shall 415
designate which test or tests shall be administered. 416

(2) Any person who is dead or unconscious or who otherwise 417
is in a condition rendering the person incapable of refusal 418
shall be deemed to have consented as provided in division (A) (1) 419
of this section, and the test or tests may be administered, 420
subject to sections 313.12 to 313.16 of the Revised Code. 421

(B) (1) If a law enforcement officer arrests a person for 422
operating or being in physical control of a vessel or 423
manipulating any water skis, aquaplane, or similar device in 424
violation of section 1547.11 of the Revised Code or a 425
substantially equivalent municipal ordinance and if the person 426

previously has been convicted of or pleaded guilty to two or 427
more violations of division (A) of section 1547.11 of the 428
Revised Code or other equivalent offenses, the law enforcement 429
officer shall request the person to submit, and the person shall 430
submit, to a chemical test or tests of the person's whole blood, 431
blood serum or plasma, breath, oral fluid, or urine for the 432
purpose of determining the alcohol, drug of abuse, controlled 433
substance, metabolite of a controlled substance, or combination 434
content of the person's whole blood, blood serum or plasma, 435
breath, oral fluid, or urine. A law enforcement officer who 436
makes a request pursuant to this division that a person submit 437
to a chemical test or tests is not required to advise the person 438
of the consequences of refusing to submit to the test or tests 439
and is not required to give the person the form described in 440
division (C) of this section, but the officer shall advise the 441
person at the time of the arrest that if the person refuses to 442
take a chemical test the officer may employ whatever reasonable 443
means are necessary to ensure that the person submits to a 444
chemical test of the person's whole blood or blood serum or 445
plasma. The officer shall also advise the person at the time of 446
the arrest that the person may have an independent chemical test 447
taken at the person's own expense. The advice shall be in 448
written form prescribed by the chief of the division of parks 449
and watercraft and shall be read to the person. The form shall 450
contain a statement that the form was shown to the person under 451
arrest and read to the person by the arresting officer. The 452
reading of the form shall be witnessed by one or more persons, 453
and the witnesses shall certify to this fact by signing the 454
form. Divisions (A) (1) (b) and (A) (2) of this section apply to 455
the administration of a chemical test or tests pursuant to this 456
division. 457

(2) If a person refuses to submit to a chemical test upon 458
a request made pursuant to division (B) (1) of this section, the 459
law enforcement officer who made the request may employ whatever 460
reasonable means are necessary to ensure that the person submits 461
to a chemical test of the person's whole blood or blood serum or 462
plasma. A law enforcement officer who acts pursuant to this 463
division to ensure that a person submits to a chemical test of 464
the person's whole blood or blood serum or plasma is immune from 465
criminal and civil liability based upon a claim for assault and 466
battery or any other claim for the acts, unless the officer so 467
acted with malicious purpose, in bad faith, or in a wanton or 468
reckless manner. 469

(C) Except as provided in division (B) of this section, 470
any person under arrest for violating section 1547.11 of the 471
Revised Code or a substantially equivalent municipal ordinance 472
shall be advised of the consequences of refusing to submit to a 473
chemical test or tests designated as provided in division (A) of 474
this section. The advice shall be in a written form prescribed 475
by the chief of the division of parks and watercraft and shall 476
be read to the person. The form shall contain a statement that 477
the form was shown to the person under arrest and read to the 478
person by the arresting officer. The reading of the form shall 479
be witnessed by one or more persons, and the witnesses shall 480
certify to this fact by signing the form. The person must submit 481
to the chemical test or tests, subsequent to the request of the 482
arresting officer, within two hours of the time of the alleged 483
violation, and if the person does not submit to the test or 484
tests within that two-hour time limit, the failure to submit 485
automatically constitutes a refusal to submit to the test or 486
tests. 487

(D) Except as provided in division (B) of this section, if 488

a law enforcement officer asks a person under arrest for 489
violating section 1547.11 of the Revised Code or a substantially 490
equivalent municipal ordinance to submit to a chemical test or 491
tests as provided in division (A) of this section, if the 492
arresting officer advises the person of the consequences of the 493
person's refusal as provided in division (C) of this section, 494
and if the person refuses to submit, no chemical test shall be 495
given. Upon receipt of a sworn statement of the officer that the 496
arresting law enforcement officer had reasonable grounds to 497
believe the arrested person violated section 1547.11 of the 498
Revised Code or a substantially equivalent municipal ordinance 499
and that the person refused to submit to the chemical test upon 500
the request of the officer, and upon receipt of the form as 501
provided in division (C) of this section certifying that the 502
arrested person was advised of the consequences of the refusal, 503
the chief of the division of parks and watercraft shall inform 504
the person by written notice that the person is prohibited from 505
operating or being in physical control of a vessel, from 506
manipulating any water skis, aquaplane, or similar device, and 507
from registering any watercraft in accordance with section 508
1547.54 of the Revised Code, for one year following the date of 509
the alleged violation. The suspension of these operation, 510
physical control, manipulation, and registration privileges 511
shall continue for the entire one-year period, subject to review 512
as provided in this section. 513

If the person under arrest is the owner of the vessel 514
involved in the alleged violation, the law enforcement officer 515
who arrested the person shall seize the watercraft registration 516
certificate and tags from the vessel involved in the violation 517
and forward them to the chief. The chief shall retain the 518
impounded registration certificate and tags and shall impound 519

all other registration certificates and tags issued to the 520
person in accordance with sections 1547.54 and 1547.57 of the 521
Revised Code, for a period of one year following the date of the 522
alleged violation, subject to review as provided in this 523
section. 524

If the arrested person fails to surrender the registration 525
certificate because it is not on the person of the arrested 526
person or in the watercraft, the law enforcement officer who 527
made the arrest shall order the person to surrender it within 528
twenty-four hours to the law enforcement officer or the law 529
enforcement agency that employs the law enforcement officer. If 530
the person fails to do so, the law enforcement officer shall 531
notify the chief of that fact in the statement the officer 532
submits to the chief under this division. 533

(E) Upon suspending a person's operation, physical 534
control, manipulation, and registration privileges in accordance 535
with division (D) of this section, the chief shall notify the 536
person in writing, at the person's last known address, and 537
inform the person that the person may petition for a hearing in 538
accordance with division (F) of this section. If a person whose 539
operation, physical control, manipulation, and registration 540
privileges have been suspended petitions for a hearing or 541
appeals any adverse decision, the suspension shall begin at the 542
termination of any hearing or appeal unless the hearing or 543
appeal results in a decision favorable to the person. 544

(F) Any person who has been notified by the chief that the 545
person is prohibited from operating or being in physical control 546
of a vessel or manipulating any water skis, aquaplane, or 547
similar device and from registering any watercraft in accordance 548
with section 1547.54 of the Revised Code, or who has had the 549

registration certificate and tags of the person's watercraft 550
impounded pursuant to division (D) of this section, within 551
twenty days of the notification or impoundment, may file a 552
petition in the municipal court or the county court, or if the 553
person is a minor in juvenile court, with jurisdiction over the 554
place at which the arrest occurred, agreeing to pay the cost of 555
the proceedings and alleging error in the action taken by the 556
chief under division (D) of this section or alleging one or more 557
of the matters within the scope of the hearing as provided in 558
this section, or both. The petitioner shall notify the chief of 559
the filing of the petition and send the chief a copy of the 560
petition. 561

The scope of the hearing is limited to the issues of 562
whether the law enforcement officer had reasonable grounds to 563
believe the petitioner was operating or in physical control of a 564
vessel or manipulating any water skis, aquaplane, or similar 565
device in violation of section 1547.11 of the Revised Code or a 566
substantially equivalent municipal ordinance, whether the 567
petitioner was placed under arrest, whether the petitioner 568
refused to submit to the chemical test upon request of the 569
officer, and whether the petitioner was advised of the 570
consequences of the petitioner's refusal. 571

(G) (1) The chief shall furnish the court a copy of the 572
affidavit as provided in division (C) of this section and any 573
other relevant information requested by the court. 574

(2) In hearing the matter and in determining whether the 575
person has shown error in the decision taken by the chief as 576
provided in division (D) of this section, the court shall decide 577
the issue upon the relevant, competent, and material evidence 578
submitted by the chief or the person whose operation, physical 579

control, manipulation, and registration privileges have been 580
suspended. 581

In the proceedings, the chief shall be represented by the 582
prosecuting attorney of the county in which the petition is 583
filed if the petition is filed in a county court or juvenile 584
court, except that if the arrest occurred within a city or 585
village within the jurisdiction of the county court in which the 586
petition is filed, the city director of law or village solicitor 587
of that city or village shall represent the chief. If the 588
petition is filed in the municipal court, the chief shall be 589
represented as provided in section 1901.34 of the Revised Code. 590

(3) If the court finds from the evidence submitted that 591
the person has failed to show error in the action taken by the 592
chief under division (D) of this section or in one or more of 593
the matters within the scope of the hearing as provided in 594
division (F) of this section, or both, the court shall assess 595
the cost of the proceeding against the person and shall uphold 596
the suspension of the operation, physical control, use, and 597
registration privileges provided in division (D) of this 598
section. If the court finds that the person has shown error in 599
the action taken by the chief under division (D) of this section 600
or in one or more of the matters within the scope of the hearing 601
as provided in division (F) of this section, or both, the cost 602
of the proceedings shall be paid out of the county treasury of 603
the county in which the proceedings were held, the chief shall 604
reinstate the operation, physical control, manipulation, and 605
registration privileges of the person without charge, and the 606
chief shall return the registration certificate and tags, if 607
impounded, without charge. 608

(4) The court shall give information in writing of any 609

action taken under this section to the chief. 610

(H) At the end of any period of suspension or impoundment 611
imposed under this section, and upon request of the person whose 612
operation, physical control, use, and registration privileges 613
were suspended or whose registration certificate and tags were 614
impounded, the chief shall reinstate the person's operation, 615
physical control, manipulation, and registration privileges by 616
written notice and return the certificate and tags. 617

(I) No person who has received written notice from the 618
chief that the person is prohibited from operating or being in 619
physical control of a vessel, from manipulating any water skis, 620
aquaplane, or similar device, and from registering a watercraft, 621
or who has had the registration certificate and tags of the 622
person's watercraft impounded, in accordance with division (D) 623
of this section, shall operate or be in physical control of a 624
vessel or manipulate any water skis, aquaplane, or similar 625
device for a period of one year following the date of the 626
person's alleged violation of section 1547.11 of the Revised 627
Code or the substantially equivalent municipal ordinance. 628

Sec. 2317.02. The following persons shall not testify in 629
certain respects: 630

(A) (1) An attorney, concerning a communication made to the 631
attorney by a client in that relation or concerning the 632
attorney's advice to a client, except that the attorney may 633
testify by express consent of the client or, if the client is 634
deceased, by the express consent of the surviving spouse or the 635
executor or administrator of the estate of the deceased client. 636
However, if the client voluntarily reveals the substance of 637
attorney-client communications in a nonprivileged context or is 638
deemed by section 2151.421 of the Revised Code to have waived 639

any testimonial privilege under this division, the attorney may 640
be compelled to testify on the same subject. 641

The testimonial privilege established under this division 642
does not apply concerning either of the following: 643

(a) A communication between a client in a capital case, as 644
defined in section 2901.02 of the Revised Code, and the client's 645
attorney if the communication is relevant to a subsequent 646
ineffective assistance of counsel claim by the client alleging 647
that the attorney did not effectively represent the client in 648
the case; 649

(b) A communication between a client who has since died 650
and the deceased client's attorney if the communication is 651
relevant to a dispute between parties who claim through that 652
deceased client, regardless of whether the claims are by testate 653
or intestate succession or by inter vivos transaction, and the 654
dispute addresses the competency of the deceased client when the 655
deceased client executed a document that is the basis of the 656
dispute or whether the deceased client was a victim of fraud, 657
undue influence, or duress when the deceased client executed a 658
document that is the basis of the dispute. 659

(2) An attorney, concerning a communication made to the 660
attorney by a client in that relationship or the attorney's 661
advice to a client, except that if the client is an insurance 662
company, the attorney may be compelled to testify, subject to an 663
in camera inspection by a court, about communications made by 664
the client to the attorney or by the attorney to the client that 665
are related to the attorney's aiding or furthering an ongoing or 666
future commission of bad faith by the client, if the party 667
seeking disclosure of the communications has made a prima-facie 668
showing of bad faith, fraud, or criminal misconduct by the 669

client. 670

(B) (1) A physician, advanced practice registered nurse, or 671
dentist concerning a communication made to the physician, 672
advanced practice registered nurse, or dentist by a patient in 673
that relation or the advice of a physician, advanced practice 674
registered nurse, or dentist given to a patient, except as 675
otherwise provided in this division, division (B) (2), and 676
division (B) (3) of this section, and except that, if the patient 677
is deemed by section 2151.421 of the Revised Code to have waived 678
any testimonial privilege under this division, the physician or 679
advanced practice registered nurse may be compelled to testify 680
on the same subject. 681

The testimonial privilege established under this division 682
does not apply, and a physician, advanced practice registered 683
nurse, or dentist may testify or may be compelled to testify, in 684
any of the following circumstances: 685

(a) In any civil action, in accordance with the discovery 686
provisions of the Rules of Civil Procedure in connection with a 687
civil action, or in connection with a claim under Chapter 4123. 688
of the Revised Code, under any of the following circumstances: 689

(i) If the patient or the guardian or other legal 690
representative of the patient gives express consent; 691

(ii) If the patient is deceased, the spouse of the patient 692
or the executor or administrator of the patient's estate gives 693
express consent; 694

(iii) If a medical claim, dental claim, chiropractic 695
claim, or optometric claim, as defined in section 2305.113 of 696
the Revised Code, an action for wrongful death, any other type 697
of civil action, or a claim under Chapter 4123. of the Revised 698

Code is filed by the patient, the personal representative of the 699
estate of the patient if deceased, or the patient's guardian or 700
other legal representative. 701

(b) In any civil action concerning court-ordered treatment 702
or services received by a patient, if the court-ordered 703
treatment or services were ordered as part of a case plan 704
journalized under section 2151.412 of the Revised Code or the 705
court-ordered treatment or services are necessary or relevant to 706
dependency, neglect, or abuse or temporary or permanent custody 707
proceedings under Chapter 2151. of the Revised Code. 708

(c) In any criminal action concerning any test or the 709
results of any test that determines the presence or 710
concentration of alcohol, a drug of abuse, a combination of 711
them, a controlled substance, or a metabolite of a controlled 712
substance in the patient's whole blood, blood serum or plasma, 713
breath, urine, oral fluid, or other bodily substance at any time 714
relevant to the criminal offense in question. 715

(d) In any criminal action against a physician, advanced 716
practice registered nurse, or dentist. In such an action, the 717
testimonial privilege established under this division does not 718
prohibit the admission into evidence, in accordance with the 719
Rules of Evidence, of a patient's medical or dental records or 720
other communications between a patient and the physician, 721
advanced practice registered nurse, or dentist that are related 722
to the action and obtained by subpoena, search warrant, or other 723
lawful means. A court that permits or compels a physician, 724
advanced practice registered nurse, or dentist to testify in 725
such an action or permits the introduction into evidence of 726
patient records or other communications in such an action shall 727
require that appropriate measures be taken to ensure that the 728

confidentiality of any patient named or otherwise identified in 729
the records is maintained. Measures to ensure confidentiality 730
that may be taken by the court include sealing its records or 731
deleting specific information from its records. 732

(e) (i) If the communication was between a patient who has 733
since died and the deceased patient's physician, advanced 734
practice registered nurse, or dentist, the communication is 735
relevant to a dispute between parties who claim through that 736
deceased patient, regardless of whether the claims are by 737
testate or intestate succession or by inter vivos transaction, 738
and the dispute addresses the competency of the deceased patient 739
when the deceased patient executed a document that is the basis 740
of the dispute or whether the deceased patient was a victim of 741
fraud, undue influence, or duress when the deceased patient 742
executed a document that is the basis of the dispute. 743

(ii) If neither the spouse of a patient nor the executor 744
or administrator of that patient's estate gives consent under 745
division (B) (1) (a) (ii) of this section, testimony or the 746
disclosure of the patient's medical records by a physician, 747
advanced practice registered nurse, dentist, or other health 748
care provider under division (B) (1) (e) (i) of this section is a 749
permitted use or disclosure of protected health information, as 750
defined in 45 C.F.R. 160.103, and an authorization or 751
opportunity to be heard shall not be required. 752

(iii) Division (B) (1) (e) (i) of this section does not 753
require a mental health professional to disclose psychotherapy 754
notes, as defined in 45 C.F.R. 164.501. 755

(iv) An interested person who objects to testimony or 756
disclosure under division (B) (1) (e) (i) of this section may seek 757
a protective order pursuant to Civil Rule 26. 758

(v) A person to whom protected health information is 759
disclosed under division (B) (1) (e) (i) of this section shall not 760
use or disclose the protected health information for any purpose 761
other than the litigation or proceeding for which the 762
information was requested and shall return the protected health 763
information to the covered entity or destroy the protected 764
health information, including all copies made, at the conclusion 765
of the litigation or proceeding. 766

(2) (a) If any law enforcement officer submits a written 767
statement to a health care provider that states that an official 768
criminal investigation has begun regarding a specified person or 769
that a criminal action or proceeding has been commenced against 770
a specified person, that requests the provider to supply to the 771
officer copies of any records the provider possesses that 772
pertain to any test or the results of any test administered to 773
the specified person to determine the presence or concentration 774
of alcohol, a drug of abuse, a combination of them, a controlled 775
substance, or a metabolite of a controlled substance in the 776
person's whole blood, blood serum or plasma, breath, oral fluid, 777
or urine at any time relevant to the criminal offense in 778
question, and that conforms to section 2317.022 of the Revised 779
Code, the provider, except to the extent specifically prohibited 780
by any law of this state or of the United States, shall supply 781
to the officer a copy of any of the requested records the 782
provider possesses. If the health care provider does not possess 783
any of the requested records, the provider shall give the 784
officer a written statement that indicates that the provider 785
does not possess any of the requested records. 786

(b) If a health care provider possesses any records of the 787
type described in division (B) (2) (a) of this section regarding 788
the person in question at any time relevant to the criminal 789

offense in question, in lieu of personally testifying as to the 790
results of the test in question, the custodian of the records 791
may submit a certified copy of the records, and, upon its 792
submission, the certified copy is qualified as authentic 793
evidence and may be admitted as evidence in accordance with the 794
Rules of Evidence. Division (A) of section 2317.422 of the 795
Revised Code does not apply to any certified copy of records 796
submitted in accordance with this division. Nothing in this 797
division shall be construed to limit the right of any party to 798
call as a witness the person who administered the test to which 799
the records pertain, the person under whose supervision the test 800
was administered, the custodian of the records, the person who 801
made the records, or the person under whose supervision the 802
records were made. 803

(3) (a) If the testimonial privilege described in division 804
(B) (1) of this section does not apply as provided in division 805
(B) (1) (a) (iii) of this section, a physician, advanced practice 806
registered nurse, or dentist may be compelled to testify or to 807
submit to discovery under the Rules of Civil Procedure only as 808
to a communication made to the physician, advanced practice 809
registered nurse, or dentist by the patient in question in that 810
relation, or the advice of the physician, advanced practice 811
registered nurse, or dentist given to the patient in question, 812
that related causally or historically to physical or mental 813
injuries that are relevant to issues in the medical claim, 814
dental claim, chiropractic claim, or optometric claim, action 815
for wrongful death, other civil action, or claim under Chapter 816
4123. of the Revised Code. 817

(b) If the testimonial privilege described in division (B) 818
(1) of this section does not apply to a physician, advanced 819
practice registered nurse, or dentist as provided in division 820

(B) (1) (c) of this section, the physician, advanced practice 821
registered nurse, or dentist, in lieu of personally testifying 822
as to the results of the test in question, may submit a 823
certified copy of those results, and, upon its submission, the 824
certified copy is qualified as authentic evidence and may be 825
admitted as evidence in accordance with the Rules of Evidence. 826
Division (A) of section 2317.422 of the Revised Code does not 827
apply to any certified copy of results submitted in accordance 828
with this division. Nothing in this division shall be construed 829
to limit the right of any party to call as a witness the person 830
who administered the test in question, the person under whose 831
supervision the test was administered, the custodian of the 832
results of the test, the person who compiled the results, or the 833
person under whose supervision the results were compiled. 834

(4) The testimonial privilege described in division (B) (1) 835
of this section is not waived when a communication is made by a 836
physician or advanced practice registered nurse to a pharmacist 837
or when there is communication between a patient and a 838
pharmacist in furtherance of the physician-patient or advanced 839
practice registered nurse-patient relation. 840

(5) (a) As used in divisions (B) (1) to (4) of this section, 841
"communication" means acquiring, recording, or transmitting any 842
information, in any manner, concerning any facts, opinions, or 843
statements necessary to enable a physician, advanced practice 844
registered nurse, or dentist to diagnose, treat, prescribe, or 845
act for a patient. A "communication" may include, but is not 846
limited to, any medical or dental, office, or hospital 847
communication such as a record, chart, letter, memorandum, 848
laboratory test and results, x-ray, photograph, financial 849
statement, diagnosis, or prognosis. 850

(b) As used in division (B) (2) of this section, "health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner. 851
852
853
854

(c) As used in division (B) (5) (b) of this section: 855

(i) "Ambulatory care facility" means a facility that 856
provides medical, diagnostic, or surgical treatment to patients 857
who do not require hospitalization, including a dialysis center, 858
ambulatory surgical facility, cardiac catheterization facility, 859
diagnostic imaging center, extracorporeal shock wave lithotripsy 860
center, home health agency, inpatient hospice, birthing center, 861
radiation therapy center, emergency facility, and an urgent care 862
center. "Ambulatory health care facility" does not include the 863
private office of a physician, advanced practice registered 864
nurse, or dentist, whether the office is for an individual or 865
group practice. 866

(ii) "Emergency facility" means a hospital emergency 867
department or any other facility that provides emergency medical 868
services. 869

(iii) "Health care practitioner" has the same meaning as 870
in section 4769.01 of the Revised Code. 871

(iv) "Hospital" has the same meaning as in section 3727.01 872
of the Revised Code. 873

(v) "Long-term care facility" means a nursing home, 874
residential care facility, or home for the aging, as those terms 875
are defined in section 3721.01 of the Revised Code; a 876
residential facility licensed under section 5119.34 of the 877
Revised Code that provides accommodations, supervision, and 878
personal care services for three to sixteen unrelated adults; a 879

nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.

(vi) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(d) As used in divisions (B) (1) and (2) of this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code.

(6) Divisions (B) (1), (2), (3), (4), and (5) of this section apply to doctors of medicine, doctors of osteopathic medicine, doctors of podiatry, advanced practice registered nurses, and dentists.

(7) Nothing in divisions (B) (1) to (6) of this section affects, or shall be construed as affecting, the immunity from civil liability conferred by section 307.628 of the Revised Code or the immunity from civil liability conferred by section 2305.33 of the Revised Code upon physicians or advanced practice registered nurses who report an employee's use of a drug of abuse, or a condition of an employee other than one involving the use of a drug of abuse, to the employer of the employee in accordance with division (B) of that section. As used in division (B) (7) of this section, "employee," "employer," and "physician" have the same meanings as in section 2305.33 of the Revised Code and "advanced practice registered nurse" has the same meaning as in section 4723.01 of the Revised Code.

(C) (1) A cleric, when the cleric remains accountable to the authority of that cleric's church, denomination, or sect,

concerning a confession made, or any information confidentially 909
communicated, to the cleric for a religious counseling purpose 910
in the cleric's professional character. The cleric may testify 911
by express consent of the person making the communication, 912
except when the disclosure of the information is in violation of 913
a sacred trust and except that, if the person voluntarily 914
testifies or is deemed by division (A) (4) (c) of section 2151.421 915
of the Revised Code to have waived any testimonial privilege 916
under this division, the cleric may be compelled to testify on 917
the same subject except when disclosure of the information is in 918
violation of a sacred trust. 919

(2) As used in division (C) of this section: 920

(a) "Cleric" means a member of the clergy, rabbi, priest, 921
Christian Science practitioner, or regularly ordained, 922
accredited, or licensed minister of an established and legally 923
cognizable church, denomination, or sect. 924

(b) "Sacred trust" means a confession or confidential 925
communication made to a cleric in the cleric's ecclesiastical 926
capacity in the course of discipline enjoined by the church to 927
which the cleric belongs, including, but not limited to, the 928
Catholic Church, if both of the following apply: 929

(i) The confession or confidential communication was made 930
directly to the cleric. 931

(ii) The confession or confidential communication was made 932
in the manner and context that places the cleric specifically 933
and strictly under a level of confidentiality that is considered 934
inviolable by canon law or church doctrine. 935

(D) Husband or wife, concerning any communication made by 936
one to the other, or an act done by either in the presence of 937

the other, during coverture, unless the communication was made, 938
or act done, in the known presence or hearing of a third person 939
competent to be a witness; and such rule is the same if the 940
marital relation has ceased to exist; 941

(E) A person who assigns a claim or interest, concerning 942
any matter in respect to which the person would not, if a party, 943
be permitted to testify; 944

(F) A person who, if a party, would be restricted under 945
section 2317.03 of the Revised Code, when the property or thing 946
is sold or transferred by an executor, administrator, guardian, 947
trustee, heir, devisee, or legatee, shall be restricted in the 948
same manner in any action or proceeding concerning the property 949
or thing. 950

(G) (1) A school guidance counselor who holds a valid 951
educator license from the state board of education as provided 952
for in section 3319.22 of the Revised Code, a person licensed 953
under Chapter 4757. of the Revised Code as a licensed 954
professional clinical counselor, licensed professional 955
counselor, social worker, independent social worker, marriage 956
and family therapist or independent marriage and family 957
therapist, or registered under Chapter 4757. of the Revised Code 958
as a social work assistant concerning a confidential 959
communication received from a client in that relation or the 960
person's advice to a client unless any of the following applies: 961

(a) The communication or advice indicates clear and 962
present danger to the client or other persons. For the purposes 963
of this division, cases in which there are indications of 964
present or past child abuse or neglect of the client constitute 965
a clear and present danger. 966

(b) The client gives express consent to the testimony.	967
(c) If the client is deceased, the surviving spouse or the executor or administrator of the estate of the deceased client gives express consent.	968 969 970
(d) The client voluntarily testifies, in which case the school guidance counselor or person licensed or registered under Chapter 4757. of the Revised Code may be compelled to testify on the same subject.	971 972 973 974
(e) The court in camera determines that the information communicated by the client is not germane to the counselor-client, marriage and family therapist-client, or social worker-client relationship.	975 976 977 978
(f) A court, in an action brought against a school, its administration, or any of its personnel by the client, rules after an in-camera inspection that the testimony of the school guidance counselor is relevant to that action.	979 980 981 982
(g) The testimony is sought in a civil action and concerns court-ordered treatment or services received by a patient as part of a case plan journalized under section 2151.412 of the Revised Code or the court-ordered treatment or services are necessary or relevant to dependency, neglect, or abuse or temporary or permanent custody proceedings under Chapter 2151. of the Revised Code.	983 984 985 986 987 988 989
(2) Nothing in division (G)(1) of this section shall relieve a school guidance counselor or a person licensed or registered under Chapter 4757. of the Revised Code from the requirement to report information concerning child abuse or neglect under section 2151.421 of the Revised Code.	990 991 992 993 994
(H) A mediator acting under a mediation order issued under	995

division (A) of section 3109.052 of the Revised Code or 996
otherwise issued in any proceeding for divorce, dissolution, 997
legal separation, annulment, or the allocation of parental 998
rights and responsibilities for the care of children, in any 999
action or proceeding, other than a criminal, delinquency, child 1000
abuse, child neglect, or dependent child action or proceeding, 1001
that is brought by or against either parent who takes part in 1002
mediation in accordance with the order and that pertains to the 1003
mediation process, to any information discussed or presented in 1004
the mediation process, to the allocation of parental rights and 1005
responsibilities for the care of the parents' children, or to 1006
the awarding of parenting time rights in relation to their 1007
children; 1008

(I) A communications assistant, acting within the scope of 1009
the communication assistant's authority, when providing 1010
telecommunications relay service pursuant to section 4931.06 of 1011
the Revised Code or Title II of the "Communications Act of 1012
1934," 104 Stat. 366 (1990), 47 U.S.C. 225, concerning a 1013
communication made through a telecommunications relay service. 1014
Nothing in this section shall limit the obligation of a 1015
communications assistant to divulge information or testify when 1016
mandated by federal law or regulation or pursuant to subpoena in 1017
a criminal proceeding. 1018

Nothing in this section shall limit any immunity or 1019
privilege granted under federal law or regulation. 1020

(J) (1) A chiropractor in a civil proceeding concerning a 1021
communication made to the chiropractor by a patient in that 1022
relation or the chiropractor's advice to a patient, except as 1023
otherwise provided in this division. The testimonial privilege 1024
established under this division does not apply, and a 1025

chiropractor may testify or may be compelled to testify, in any 1026
civil action, in accordance with the discovery provisions of the 1027
Rules of Civil Procedure in connection with a civil action, or 1028
in connection with a claim under Chapter 4123. of the Revised 1029
Code, under any of the following circumstances: 1030

(a) If the patient or the guardian or other legal 1031
representative of the patient gives express consent. 1032

(b) If the patient is deceased, the spouse of the patient 1033
or the executor or administrator of the patient's estate gives 1034
express consent. 1035

(c) If a medical claim, dental claim, chiropractic claim, 1036
or optometric claim, as defined in section 2305.113 of the 1037
Revised Code, an action for wrongful death, any other type of 1038
civil action, or a claim under Chapter 4123. of the Revised Code 1039
is filed by the patient, the personal representative of the 1040
estate of the patient if deceased, or the patient's guardian or 1041
other legal representative. 1042

(2) If the testimonial privilege described in division (J) 1043
(1) of this section does not apply as provided in division (J) 1044
(1)(c) of this section, a chiropractor may be compelled to 1045
testify or to submit to discovery under the Rules of Civil 1046
Procedure only as to a communication made to the chiropractor by 1047
the patient in question in that relation, or the chiropractor's 1048
advice to the patient in question, that related causally or 1049
historically to physical or mental injuries that are relevant to 1050
issues in the medical claim, dental claim, chiropractic claim, 1051
or optometric claim, action for wrongful death, other civil 1052
action, or claim under Chapter 4123. of the Revised Code. 1053

(3) The testimonial privilege established under this 1054

division does not apply, and a chiropractor may testify or be 1055
compelled to testify, in any criminal action or administrative 1056
proceeding. 1057

(4) As used in this division, "communication" means 1058
acquiring, recording, or transmitting any information, in any 1059
manner, concerning any facts, opinions, or statements necessary 1060
to enable a chiropractor to diagnose, treat, or act for a 1061
patient. A communication may include, but is not limited to, any 1062
chiropractic, office, or hospital communication such as a 1063
record, chart, letter, memorandum, laboratory test and results, 1064
x-ray, photograph, financial statement, diagnosis, or prognosis. 1065

(K) (1) Except as provided under division (K) (2) of this 1066
section, a critical incident stress management team member 1067
concerning a communication received from an individual who 1068
receives crisis response services from the team member, or the 1069
team member's advice to the individual, during a debriefing 1070
session. 1071

(2) The testimonial privilege established under division 1072
(K) (1) of this section does not apply if any of the following 1073
are true: 1074

(a) The communication or advice indicates clear and 1075
present danger to the individual who receives crisis response 1076
services or to other persons. For purposes of this division, 1077
cases in which there are indications of present or past child 1078
abuse or neglect of the individual constitute a clear and 1079
present danger. 1080

(b) The individual who received crisis response services 1081
gives express consent to the testimony. 1082

(c) If the individual who received crisis response 1083

services is deceased, the surviving spouse or the executor or 1084
administrator of the estate of the deceased individual gives 1085
express consent. 1086

(d) The individual who received crisis response services 1087
voluntarily testifies, in which case the team member may be 1088
compelled to testify on the same subject. 1089

(e) The court in camera determines that the information 1090
communicated by the individual who received crisis response 1091
services is not germane to the relationship between the 1092
individual and the team member. 1093

(f) The communication or advice pertains or is related to 1094
any criminal act. 1095

(3) As used in division (K) of this section: 1096

(a) "Crisis response services" means consultation, risk 1097
assessment, referral, and on-site crisis intervention services 1098
provided by a critical incident stress management team to 1099
individuals affected by crisis or disaster. 1100

(b) "Critical incident stress management team member" or 1101
"team member" means an individual specially trained to provide 1102
crisis response services as a member of an organized community 1103
or local crisis response team that holds membership in the Ohio 1104
critical incident stress management network. 1105

(c) "Debriefing session" means a session at which crisis 1106
response services are rendered by a critical incident stress 1107
management team member during or after a crisis or disaster. 1108

(L) (1) Subject to division (L) (2) of this section and 1109
except as provided in division (L) (3) of this section, an 1110
employee assistance professional, concerning a communication 1111

made to the employee assistance professional by a client in the 1112
employee assistance professional's official capacity as an 1113
employee assistance professional. 1114

(2) Division (L)(1) of this section applies to an employee 1115
assistance professional who meets either or both of the 1116
following requirements: 1117

(a) Is certified by the employee assistance certification 1118
commission to engage in the employee assistance profession; 1119

(b) Has education, training, and experience in all of the 1120
following: 1121

(i) Providing workplace-based services designed to address 1122
employer and employee productivity issues; 1123

(ii) Providing assistance to employees and employees' 1124
dependents in identifying and finding the means to resolve 1125
personal problems that affect the employees or the employees' 1126
performance; 1127

(iii) Identifying and resolving productivity problems 1128
associated with an employee's concerns about any of the 1129
following matters: health, marriage, family, finances, substance 1130
abuse or other addiction, workplace, law, and emotional issues; 1131

(iv) Selecting and evaluating available community 1132
resources; 1133

(v) Making appropriate referrals; 1134

(vi) Local and national employee assistance agreements; 1135

(vii) Client confidentiality. 1136

(3) Division (L)(1) of this section does not apply to any 1137
of the following: 1138

(a) A criminal action or proceeding involving an offense	1139
under sections 2903.01 to 2903.06 of the Revised Code if the	1140
employee assistance professional's disclosure or testimony	1141
relates directly to the facts or immediate circumstances of the	1142
offense;	1143
(b) A communication made by a client to an employee	1144
assistance professional that reveals the contemplation or	1145
commission of a crime or serious, harmful act;	1146
(c) A communication that is made by a client who is an	1147
unemancipated minor or an adult adjudicated to be incompetent	1148
and indicates that the client was the victim of a crime or	1149
abuse;	1150
(d) A civil proceeding to determine an individual's mental	1151
competency or a criminal action in which a plea of not guilty by	1152
reason of insanity is entered;	1153
(e) A civil or criminal malpractice action brought against	1154
the employee assistance professional;	1155
(f) When the employee assistance professional has the	1156
express consent of the client or, if the client is deceased or	1157
disabled, the client's legal representative;	1158
(g) When the testimonial privilege otherwise provided by	1159
division (L)(1) of this section is abrogated under law.	1160
Sec. 2317.022. (A) As used in this section:	1161
(1) "Health care provider" has the same meaning as in	1162
section 2317.02 of the Revised Code.	1163
(2) "Drug of abuse" has the same meaning as in section	1164
4506.01 of the Revised Code.	1165

(B) If an official criminal investigation has begun 1166
regarding a person or if a criminal action or proceeding is 1167
commenced against a person, any law enforcement officer who 1168
wishes to obtain from any health care provider a copy of any 1169
records the provider possesses that pertain to any test or the 1170
result of any test administered to the person to determine the 1171
presence or concentration of alcohol, a drug of abuse, or 1172
alcohol and a drug of abuse in the person's blood, breath, oral 1173
fluid, or urine at any time relevant to the criminal offense in 1174
question shall submit to the health care facility a written 1175
statement in the following form: 1176

"WRITTEN STATEMENT REQUESTING THE RELEASE OF RECORDS 1177

To: _____ (insert name of the health care 1178
provider in question). 1179

I hereby state that an official criminal investigation has 1180
begun regarding, or a criminal action or proceeding has been 1181
commenced against, _____ (insert the name of the 1182
person in question), and that I believe that one or more tests 1183
has been administered to that person by this health care 1184
provider to determine the presence or concentration of alcohol, 1185
a drug of abuse, a combination of them, a controlled substance, 1186
or a metabolite of a controlled substance in that person's whole 1187
blood, blood serum or plasma, breath, oral fluid, or urine at a 1188
time relevant to the criminal offense in question. Therefore, I 1189
hereby request that, pursuant to division (B) (2) of section 1190
2317.02 of the Revised Code, this health care provider supply me 1191
with copies of any records the provider possesses that pertain 1192
to any test or the results of any test administered to the 1193
person specified above to determine the presence or 1194
concentration of alcohol, a drug of abuse, a combination of 1195

them, a controlled substance, or a metabolite of a controlled 1196
substance in that person's whole blood, blood serum or plasma, 1197
breath, oral fluid, or urine at any time relevant to the 1198
criminal offense in question. 1199

_____ 1200

(Name of officer) 1201

_____ 1202

(Officer's title) 1203

_____ 1204

(Officer's employing agency) 1205

_____ 1206

(Officer's telephone number) 1207

_____ 1208

_____ 1209

_____ 1210

(Agency's address) 1211

_____ 1212

(Date written statement submitted)" 1213

(C) A health care provider that receives a written 1214
statement of the type described in division (B) of this section 1215
shall comply with division (B) (2) of section 2317.02 of the 1216
Revised Code relative to the written statement. 1217

Sec. 2743.191. (A) (1) There is hereby created in the state 1218
treasury the reparations fund, which shall be used only for the 1219
following purposes: 1220

(a) The payment of awards of reparations that are granted	1221
by the attorney general;	1222
(b) The compensation of any personnel needed by the	1223
attorney general to administer sections 2743.51 to 2743.72 of	1224
the Revised Code;	1225
(c) The compensation of witnesses as provided in division	1226
(J) of section 2743.65 of the Revised Code;	1227
(d) Other administrative costs of hearing and determining	1228
claims for an award of reparations by the attorney general;	1229
(e) The costs of administering sections 2907.28 and	1230
2969.01 to 2969.06 of the Revised Code;	1231
(f) The costs of investigation and decision-making as	1232
certified by the attorney general;	1233
(g) The provision of state financial assistance to victim	1234
assistance programs in accordance with sections 109.91 and	1235
109.92 of the Revised Code;	1236
(h) The costs of paying the expenses of sex offense-	1237
related examinations, antibiotics, and HIV post-exposure	1238
prophylaxis pursuant to section 2907.28 of the Revised Code;	1239
(i) The cost of printing and distributing the pamphlet	1240
prepared by the attorney general pursuant to section 109.42 of	1241
the Revised Code;	1242
(j) Subject to division (D) of section 2743.71 of the	1243
Revised Code, the costs associated with the printing and	1244
providing of information cards or other printed materials to law	1245
enforcement agencies and prosecuting authorities and with	1246
publicizing the availability of awards of reparations pursuant	1247
to section 2743.71 of the Revised Code;	1248

(k) The payment of costs of administering a DNA specimen 1249
collection procedure pursuant to sections 2152.74 and 2901.07 of 1250
the Revised Code, of performing DNA analysis of those DNA 1251
specimens, and of entering the resulting DNA records regarding 1252
those analyses into the DNA database pursuant to section 109.573 1253
of the Revised Code; 1254

(l) The payment of actual costs associated with 1255
initiatives by the attorney general for the apprehension, 1256
prosecution, and accountability of offenders, and the enhancing 1257
of services to crime victims. The amount of payments made 1258
pursuant to division (A)(1)(1) of this section during any given 1259
fiscal year shall not exceed five per cent of the balance of the 1260
reparations fund at the close of the immediately previous fiscal 1261
year; 1262

(m) The costs of administering the adult parole 1263
authority's supervision pursuant to division (E) of section 1264
2971.05 of the Revised Code of sexually violent predators who 1265
are sentenced to a prison term pursuant to division (A)(3) of 1266
section 2971.03 of the Revised Code and of offenders who are 1267
sentenced to a prison term pursuant to division (B)(1)(a), (b), 1268
or (c), (B)(2)(a), (b), or (c), or (B)(3)(a), (b), (c), or (d) 1269
of that section. 1270

(2) All costs paid pursuant to section 2743.70 of the 1271
Revised Code, the portions of license reinstatement fees 1272
mandated by division ~~(F)(2)(b)~~ (F)(2)(a) of section 4511.191 of 1273
the Revised Code to be credited to the fund, the portions of the 1274
proceeds of the sale of a forfeited vehicle specified in 1275
division (C)(2) of section 4503.234 of the Revised Code, 1276
payments collected by the department of rehabilitation and 1277
correction from prisoners who voluntarily participate in an 1278

approved work and training program pursuant to division (C) (8) 1279
(b) (ii) of section 5145.16 of the Revised Code, and all moneys 1280
collected by the state pursuant to its right of subrogation 1281
provided in section 2743.72 of the Revised Code shall be 1282
deposited in the fund. 1283

(B) In making an award of reparations, the attorney 1284
general shall render the award against the state. The award 1285
shall be accomplished only through the following procedure, and 1286
the following procedure may be enforced by writ of mandamus 1287
directed to the appropriate official: 1288

(1) The attorney general shall provide for payment of the 1289
claimant or providers in the amount of the award only if the 1290
amount of the award is fifty dollars or more. 1291

(2) The expense shall be charged against all available 1292
unencumbered moneys in the fund. 1293

(3) If sufficient unencumbered moneys do not exist in the 1294
fund, the attorney general shall make application for payment of 1295
the award out of the emergency purposes account or any other 1296
appropriation for emergencies or contingencies, and payment out 1297
of this account or other appropriation shall be authorized if 1298
there are sufficient moneys greater than the sum total of then 1299
pending emergency purposes account requests or requests for 1300
releases from the other appropriations. 1301

(4) If sufficient moneys do not exist in the account or 1302
any other appropriation for emergencies or contingencies to pay 1303
the award, the attorney general shall request the general 1304
assembly to make an appropriation sufficient to pay the award, 1305
and no payment shall be made until the appropriation has been 1306
made. The attorney general shall make this appropriation request 1307

during the current biennium and during each succeeding biennium 1308
until a sufficient appropriation is made. If, prior to the time 1309
that an appropriation is made by the general assembly pursuant 1310
to this division, the fund has sufficient unencumbered funds to 1311
pay the award or part of the award, the available funds shall be 1312
used to pay the award or part of the award, and the 1313
appropriation request shall be amended to request only 1314
sufficient funds to pay that part of the award that is unpaid. 1315

(C) The attorney general shall not make payment on a 1316
decision or order granting an award until all appeals have been 1317
determined and all rights to appeal exhausted, except as 1318
otherwise provided in this section. If any party to a claim for 1319
an award of reparations appeals from only a portion of an award, 1320
and a remaining portion provides for the payment of money by the 1321
state, that part of the award calling for the payment of money 1322
by the state and not a subject of the appeal shall be processed 1323
for payment as described in this section. 1324

(D) If any unclaimed moneys that are in the reparations 1325
fund are not claimed within a period of five years, the attorney 1326
general shall use those moneys for the benefit of other victims 1327
of crime. The attorney general shall pay any part of the 1328
restitution award owed to a victim at any time to the person who 1329
has the right to the moneys upon proper certification from the 1330
clerk or other officer responsible for the collection and 1331
distribution of restitution payments and documentation from the 1332
individual claiming such right. 1333

(E) The attorney general shall prepare itemized bills for 1334
the costs of printing and distributing the pamphlet the attorney 1335
general prepares pursuant to section 109.42 of the Revised Code. 1336
The itemized bills shall set forth the name and address of the 1337

persons owed the amounts set forth in them. 1338

(F) Interest earned on the moneys in the fund shall be 1339
credited to the fund. 1340

(G) As used in this section, "DNA analysis" and "DNA 1341
specimen" have the same meanings as in section 109.573 of the 1342
Revised Code. 1343

Sec. 2903.06. (A) No person, while operating or 1344
participating in the operation of a motor vehicle, motorcycle, 1345
utility vehicle, mini-truck, snowmobile, locomotive, watercraft, 1346
or aircraft, shall cause the death of another or the unlawful 1347
termination of another's pregnancy in any of the following ways: 1348

~~(1)(a)(1) As the proximate result of committing a 1349
violation of division (A) of section 4511.19 of the Revised Code 1350
or of a substantially equivalent municipal ordinance; 1351~~

~~(b) As the proximate result of committing a violation of 1352
division (A) of section 1547.11 of the Revised Code or of a 1353
substantially equivalent municipal ordinance; 1354~~

~~(c) As the proximate result of committing a violation of 1355
division (A) (3) of section 4561.15 of the Revised Code or of a 1356
substantially equivalent municipal ordinance an OVI offense. 1357~~

(2) In one of the following ways: 1358

(a) Recklessly; 1359

(b) As the proximate result of committing, while operating 1360
or participating in the operation of a motor vehicle, utility 1361
vehicle, mini-truck, or motorcycle in a construction zone, a 1362
reckless operation offense, provided that this division applies 1363
only if the person whose death is caused or whose pregnancy is 1364
unlawfully terminated is in the construction zone at the time of 1365

the offender's commission of the reckless operation offense in 1366
the construction zone and does not apply as described in 1367
division (F) of this section. 1368

(3) In one of the following ways: 1369

(a) Negligently; 1370

(b) As the proximate result of committing, while operating 1371
or participating in the operation of a motor vehicle, utility 1372
vehicle, mini-truck, or motorcycle in a construction zone, a 1373
speeding offense, provided that this division applies only if 1374
the person whose death is caused or whose pregnancy is 1375
unlawfully terminated is in the construction zone at the time of 1376
the offender's commission of the speeding offense in the 1377
construction zone and does not apply as described in division 1378
(F) of this section. 1379

(4) As the proximate result of committing a violation of 1380
any provision of any section contained in Title XLV of the 1381
Revised Code that is a minor misdemeanor or of a municipal 1382
ordinance that, regardless of the penalty set by ordinance for 1383
the violation, is substantially equivalent to any provision of 1384
any section contained in Title XLV of the Revised Code that is a 1385
minor misdemeanor. 1386

(B) (1) Whoever violates division (A) (1) or (2) of this 1387
section is guilty of aggravated vehicular homicide and shall be 1388
punished as provided in divisions (B) (2) and (3) of this 1389
section. 1390

(2) (a) Except as otherwise provided in division (B) (2) (b) 1391
~~or, (c), or (d)~~ of this section, aggravated vehicular homicide 1392
committed in violation of division (A) (1) of this section is a 1393
felony of the second degree and the court shall impose a 1394

mandatory prison term on the offender as described in division 1395
(E) of this section. 1396

(b) Except as otherwise provided in division (B) (2) (c) or 1397
(d) of this section, aggravated vehicular homicide committed in 1398
violation of division (A) (1) of this section is a felony of the 1399
first degree, and the court shall impose a mandatory prison term 1400
on the offender as described in division (E) of this section, if 1401
any of the following apply: 1402

(i) At the time of the offense, the offender was driving 1403
under a suspension or cancellation imposed under Chapter 4510. 1404
or any other provision of the Revised Code or was operating a 1405
motor vehicle or motorcycle, did not have a valid driver's 1406
license, commercial driver's license, temporary instruction 1407
permit, probationary license, or nonresident operating 1408
privilege, and was not eligible for renewal of the offender's 1409
driver's license or commercial driver's license without 1410
examination under section 4507.10 of the Revised Code. 1411

(ii) The offender previously has been convicted of or 1412
pleaded guilty to ~~a violation of this section~~ one prior OVI 1413
offense within the previous twenty years. 1414

(iii) The offender previously has been convicted of or 1415
pleaded guilty to ~~any one prior~~ traffic-related homicide, 1416
manslaughter, or assault offense within the previous twenty 1417
years. 1418

(c) ~~Aggravated~~ Except as otherwise provided in division 1419
(B) (2) (d) of this section, aggravated vehicular homicide 1420
committed in violation of division (A) (1) of this section is a 1421
felony of the first degree, and the court shall sentence the 1422
offender to a mandatory prison term as provided in section 1423

2929.142 of the Revised Code and described in division (E) of 1424
this section if any of the following apply: 1425

(i) The offender previously has been convicted of or 1426
pleaded guilty to ~~three or more two~~ prior ~~violations of division~~ 1427
~~(A) of section 4511.19 of the Revised Code or of a substantially~~ 1428
~~equivalent municipal ordinance~~ OVI offenses within the previous 1429
~~ten-twenty~~ years. 1430

(ii) The offender previously has been convicted of or 1431
pleaded guilty to ~~three or more two~~ prior ~~violations of division~~ 1432
~~(A) of section 1547.11 of the Revised Code or of a substantially~~ 1433
~~equivalent municipal ordinance~~ traffic-related homicide, 1434
manslaughter, or assault offenses within the previous ~~ten-twenty~~ 1435
years. 1436

(iii) The offender previously has been convicted of or 1437
pleaded guilty to ~~three or more two~~ prior violations of ~~division~~ 1438
~~(A) (3) of section 4561.15 of the Revised Code or of a~~ 1439
~~substantially equivalent municipal ordinance~~ any combination of 1440
the offenses listed in division (B) (2) (c) (i) and (ii) of this 1441
section within the previous ~~ten-twenty~~ years. 1442

~~(iv)~~ (d) Aggravated vehicular homicide committed in 1443
violation of division (A) (1) of this section is a felony of the 1444
first degree, and the court shall sentence the offender to a 1445
mandatory prison term as provided in section 2929.142 of the 1446
Revised Code and described in division (E) of this section if 1447
any of the following apply: 1448

(i) The offender previously has been convicted of or 1449
pleaded guilty to three or more prior ~~violations of division (A)~~ 1450
~~(1) of this section~~ OVI offenses within the previous ~~ten-twenty~~ 1451
years. 1452

~~(v)(ii)~~ The offender previously has been convicted of or 1453
pleaded guilty to three or more prior ~~violations of division (A)~~ 1454
~~(1) of section 2903.08 of the Revised Code~~ traffic-related 1455
homicide, manslaughter, or assault offenses within the previous 1456
ten twenty years. 1457

~~(vi)(iii)~~ The offender previously has been convicted of or 1458
pleaded guilty to three or more prior violations of ~~section~~ 1459
~~2903.04 of the Revised Code~~ any combination of the offenses 1460
listed in divisions (B) (2) (d) (i) and (ii) of this section within 1461
the previous ~~ten twenty years in circumstances in which division~~ 1462
~~(D) of that section applied regarding the violations.~~ 1463

~~(vii)~~ The offender previously has been convicted of or 1464
pleaded guilty to three or more violations of ~~any combination of~~ 1465
~~the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),~~ 1466
~~(v), or (vi) of this section within the previous ten years.~~ 1467

~~(viii)~~ The offender previously has been convicted of or 1468
pleaded guilty to a second or subsequent felony violation of 1469
~~division (A) of section 4511.19 of the Revised Code.~~ 1470

~~(d)~~ (e) In addition to any other sanctions imposed pursuant 1471
to division (B) (2) (a), (b), ~~or (c)~~, or (d) of this section for 1472
aggravated vehicular homicide committed in violation of division 1473
(A) (1) of this section, the court shall impose upon the offender 1474
a class one suspension of the offender's driver's license, 1475
commercial driver's license, temporary instruction permit, 1476
probationary license, or nonresident operating privilege as 1477
specified in division (A) (1) of section 4510.02 of the Revised 1478
Code. 1479

Divisions (A) (1) to (3) of section 4510.54 of the Revised 1480
Code apply to a suspension imposed under division ~~(B) (2) (d)~~ (B) 1481

(2) (e) of this section. 1482

(f) Notwithstanding section 2929.18 of the Revised Code, 1483
and in addition to any other sanctions imposed pursuant to 1484
division (B) (2) of this section for aggravated vehicular 1485
homicide committed in violation of division (A) (1) of this 1486
section, the court shall impose upon the offender a fine of not 1487
more than twenty-five thousand dollars. 1488

(3) Except as otherwise provided in this division, 1489
aggravated vehicular homicide committed in violation of division 1490
(A) (2) of this section is a felony of the third degree. 1491
Aggravated vehicular homicide committed in violation of division 1492
(A) (2) of this section is a felony of the second degree if, at 1493
the time of the offense, the offender was driving under a 1494
suspension or cancellation imposed under Chapter 4510. or any 1495
other provision of the Revised Code or was operating a motor 1496
vehicle or motorcycle, did not have a valid driver's license, 1497
commercial driver's license, temporary instruction permit, 1498
probationary license, or nonresident operating privilege, and 1499
was not eligible for renewal of the offender's driver's license 1500
or commercial driver's license without examination under section 1501
4507.10 of the Revised Code or if the offender previously has 1502
been convicted of or pleaded guilty to a violation of this 1503
section or any traffic-related homicide, manslaughter, or 1504
assault offense. The court shall impose a mandatory prison term 1505
on the offender when required by division (E) of this section. 1506

In addition to any other sanctions imposed pursuant to 1507
this division for a violation of division (A) (2) of this 1508
section, the court shall impose upon the offender a class two 1509
suspension of the offender's driver's license, commercial 1510
driver's license, temporary instruction permit, probationary 1511

license, or nonresident operating privilege from the range 1512
specified in division (A) (2) of section 4510.02 of the Revised 1513
Code or, if the offender previously has been convicted of or 1514
pleaded guilty to a traffic-related murder, felonious assault, 1515
or attempted murder offense, a class one suspension of the 1516
offender's driver's license, commercial driver's license, 1517
temporary instruction permit, probationary license, or 1518
nonresident operating privilege as specified in division (A) (1) 1519
of that section. 1520

(C) Whoever violates division (A) (3) of this section is 1521
guilty of vehicular homicide. Except as otherwise provided in 1522
this division, vehicular homicide is a misdemeanor of the first 1523
degree. Vehicular homicide committed in violation of division 1524
(A) (3) of this section is a felony of the fourth degree if, at 1525
the time of the offense, the offender was driving under a 1526
suspension or cancellation imposed under Chapter 4510. or any 1527
other provision of the Revised Code or was operating a motor 1528
vehicle or motorcycle, did not have a valid driver's license, 1529
commercial driver's license, temporary instruction permit, 1530
probationary license, or nonresident operating privilege, and 1531
was not eligible for renewal of the offender's driver's license 1532
or commercial driver's license without examination under section 1533
4507.10 of the Revised Code or if the offender previously has 1534
been convicted of or pleaded guilty to a violation of this 1535
section or any traffic-related homicide, manslaughter, or 1536
assault offense. The court shall impose a mandatory jail term or 1537
a mandatory prison term on the offender when required by 1538
division (E) of this section. 1539

In addition to any other sanctions imposed pursuant to 1540
this division, the court shall impose upon the offender a class 1541
four suspension of the offender's driver's license, commercial 1542

driver's license, temporary instruction permit, probationary 1543
license, or nonresident operating privilege from the range 1544
specified in division (A) (4) of section 4510.02 of the Revised 1545
Code, or, if the offender previously has been convicted of or 1546
pleaded guilty to a violation of this section or any traffic- 1547
related homicide, manslaughter, or assault offense, a class 1548
three suspension of the offender's driver's license, commercial 1549
driver's license, temporary instruction permit, probationary 1550
license, or nonresident operating privilege from the range 1551
specified in division (A) (3) of that section, or, if the 1552
offender previously has been convicted of or pleaded guilty to a 1553
traffic-related murder, felonious assault, or attempted murder 1554
offense, a class two suspension of the offender's driver's 1555
license, commercial driver's license, temporary instruction 1556
permit, probationary license, or nonresident operating privilege 1557
as specified in division (A) (2) of that section. 1558

(D) Whoever violates division (A) (4) of this section is 1559
guilty of vehicular manslaughter. Except as otherwise provided 1560
in this division, vehicular manslaughter is a misdemeanor of the 1561
second degree. Vehicular manslaughter is a misdemeanor of the 1562
first degree if, at the time of the offense, the offender was 1563
driving under a suspension or cancellation imposed under Chapter 1564
4510. or any other provision of the Revised Code or was 1565
operating a motor vehicle or motorcycle, did not have a valid 1566
driver's license, commercial driver's license, temporary 1567
instruction permit, probationary license, or nonresident 1568
operating privilege, and was not eligible for renewal of the 1569
offender's driver's license or commercial driver's license 1570
without examination under section 4507.10 of the Revised Code or 1571
if the offender previously has been convicted of or pleaded 1572
guilty to a violation of this section or any traffic-related 1573

homicide, manslaughter, or assault offense. 1574

In addition to any other sanctions imposed pursuant to 1575
this division, the court shall impose upon the offender a class 1576
six suspension of the offender's driver's license, commercial 1577
driver's license, temporary instruction permit, probationary 1578
license, or nonresident operating privilege from the range 1579
specified in division (A) (6) of section 4510.02 of the Revised 1580
Code or, if the offender previously has been convicted of or 1581
pleaded guilty to a violation of this section, any traffic- 1582
related homicide, manslaughter, or assault offense, or a 1583
traffic-related murder, felonious assault, or attempted murder 1584
offense, a class four suspension of the offender's driver's 1585
license, commercial driver's license, temporary instruction 1586
permit, probationary license, or nonresident operating privilege 1587
from the range specified in division (A) (4) of that section. 1588

(E) (1) The court shall impose a mandatory prison term on 1589
an offender who is convicted of or pleads guilty to a violation 1590
of division (A) (1) of this section. Except as otherwise provided 1591
in this division, the mandatory prison term shall be a definite 1592
term from the range of prison terms provided in division (A) (1) 1593
(b) of section 2929.14 of the Revised Code for a felony of the 1594
first degree or from division (A) (2) (b) of that section for a 1595
felony of the second degree, whichever is applicable, except 1596
that if the violation is committed on or after March 22, 2019, 1597
the court shall impose as the minimum prison term for the 1598
offense a mandatory prison term that is one of the minimum terms 1599
prescribed for a felony of the first degree in division (A) (1) 1600
(a) of section 2929.14 of the Revised Code or one of the terms 1601
prescribed for a felony of the second degree in division (A) (2) 1602
(a) of that section, whichever is applicable. If division ~~(B) (2)~~ 1603
~~(c) (i), (ii), (iii), (iv), (v), (vi), (vii), or (viii)~~ (B) (2) (c) 1604

or (d) of this section applies to an offender who is convicted 1605
of or pleads guilty to the violation of division (A) (1) of this 1606
section, the court shall impose the mandatory prison term 1607
pursuant to division (A) or (B) of section 2929.142 of the 1608
Revised Code, as applicable. The court shall impose a mandatory 1609
jail term of at least fifteen days on an offender who is 1610
convicted of or pleads guilty to a misdemeanor violation of 1611
division (A) (3) (b) of this section and may impose upon the 1612
offender a longer jail term as authorized pursuant to section 1613
2929.24 of the Revised Code. 1614

(2) The court shall impose a mandatory prison term on an 1615
offender who is convicted of or pleads guilty to a violation of 1616
division (A) (2) or (3) (a) of this section or a felony violation 1617
of division (A) (3) (b) of this section if either division (E) (2) 1618
(a) or (b) of this section applies. The mandatory prison term 1619
shall be a definite term from the range of prison terms provided 1620
in division (A) (3) (a) of section 2929.14 of the Revised Code for 1621
a felony of the third degree or from division (A) (4) of that 1622
section for a felony of the fourth degree, whichever is 1623
applicable. The court shall impose a mandatory prison term on an 1624
offender in a category described in this division if either of 1625
the following applies: 1626

(a) The offender previously has been convicted of or 1627
pleaded guilty to a violation of this section or section 2903.08 1628
of the Revised Code. 1629

(b) At the time of the offense, the offender was driving 1630
under suspension or cancellation under Chapter 4510. or any 1631
other provision of the Revised Code or was operating a motor 1632
vehicle or motorcycle, did not have a valid driver's license, 1633
commercial driver's license, temporary instruction permit, 1634

probationary license, or nonresident operating privilege, and 1635
was not eligible for renewal of the offender's driver's license 1636
or commercial driver's license without examination under section 1637
4507.10 of the Revised Code. 1638

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 1639
apply in a particular construction zone unless signs of the type 1640
described in section 2903.081 of the Revised Code are erected in 1641
that construction zone in accordance with the guidelines and 1642
design specifications established by the director of 1643
transportation under section 5501.27 of the Revised Code. The 1644
failure to erect signs of the type described in section 2903.081 1645
of the Revised Code in a particular construction zone in 1646
accordance with those guidelines and design specifications does 1647
not limit or affect the application of division (A) (1), (A) (2) 1648
(a), (A) (3) (a), or (A) (4) of this section in that construction 1649
zone or the prosecution of any person who violates any of those 1650
divisions in that construction zone. 1651

(G) (1) As used in this section: 1652

(a) "Mandatory prison term" and "mandatory jail term" have 1653
the same meanings as in section 2929.01 of the Revised Code. 1654

(b) "Traffic-related homicide, manslaughter, or assault 1655
offense" means a violation of section 2903.04 of the Revised 1656
Code in circumstances in which division (D) of that section 1657
applies, a violation of section 2903.06 or 2903.08 of the 1658
Revised Code, or a violation of section 2903.06, 2903.07, or 1659
2903.08 of the Revised Code as they existed prior to March 23, 1660
2000. 1661

(c) "Construction zone" has the same meaning as in section 1662
5501.27 of the Revised Code. 1663

(d) "Reckless operation offense" means a violation of 1664
section 4511.20 of the Revised Code or a municipal ordinance 1665
substantially equivalent to section 4511.20 of the Revised Code. 1666

(e) "Speeding offense" means a violation of section 1667
4511.21 of the Revised Code or a municipal ordinance pertaining 1668
to speed. 1669

(f) "Traffic-related murder, felonious assault, or 1670
attempted murder offense" means a violation of section 2903.01 1671
or 2903.02 of the Revised Code in circumstances in which the 1672
offender used a motor vehicle as the means to commit the 1673
violation, a violation of division (A) (2) of section 2903.11 of 1674
the Revised Code in circumstances in which the deadly weapon 1675
used in the commission of the violation is a motor vehicle, or 1676
an attempt to commit aggravated murder or murder in violation of 1677
section 2923.02 of the Revised Code in circumstances in which 1678
the offender used a motor vehicle as the means to attempt to 1679
commit the aggravated murder or murder. 1680

(g) "Motor vehicle," "mini-truck," and "utility vehicle" 1681
have the same meanings as in section 4501.01 of the Revised 1682
Code. 1683

(h) "OVI offense" means a violation of division (A) of 1684
section 4511.19 of the Revised Code, a violation of division (A) 1685
of section 1547.11 of the Revised Code, a violation of division 1686
(A) (3) of section 4561.15 of the Revised Code, or a 1687
substantially equivalent municipal ordinance. 1688

(2) For the purposes of this section, when a penalty or 1689
suspension is enhanced because of a prior or current violation 1690
of a specified law or a prior or current specified offense, the 1691
reference to the violation of the specified law or the specified 1692

offense includes any violation of any substantially equivalent 1693
municipal ordinance, former law of this state, or current or 1694
former law of another state or the United States. 1695

Sec. 2929.14. (A) Except as provided in division (B)(1), 1696
(B)(2), (B)(3), (B)(4), (B)(5), (B)(6), (B)(7), (B)(8), (B)(9), 1697
(B)(10), (B)(11), (E), (G), (H), (J), or (K) of this section or 1698
in division (D)(6) of section 2919.25 of the Revised Code and 1699
except in relation to an offense for which a sentence of death 1700
or life imprisonment is to be imposed, if the court imposing a 1701
sentence upon an offender for a felony elects or is required to 1702
impose a prison term on the offender pursuant to this chapter, 1703
the court shall impose a prison term that shall be one of the 1704
following: 1705

(1)(a) For a felony of the first degree committed on or 1706
after March 22, 2019, the prison term shall be an indefinite 1707
prison term with a stated minimum term selected by the court of 1708
three, four, five, six, seven, eight, nine, ten, or eleven years 1709
and a maximum term that is determined pursuant to section 1710
2929.144 of the Revised Code, except that if the section that 1711
criminalizes the conduct constituting the felony specifies a 1712
different minimum term or penalty for the offense, the specific 1713
language of that section shall control in determining the 1714
minimum term or otherwise sentencing the offender but the 1715
minimum term or sentence imposed under that specific language 1716
shall be considered for purposes of the Revised Code as if it 1717
had been imposed under this division. 1718

(b) For a felony of the first degree committed prior to 1719
March 22, 2019, the prison term shall be a definite prison term 1720
of three, four, five, six, seven, eight, nine, ten, or eleven 1721
years. 1722

(2) (a) For a felony of the second degree committed on or after March 22, 2019, the prison term shall be an indefinite prison term with a stated minimum term selected by the court of two, three, four, five, six, seven, or eight years and a maximum term that is determined pursuant to section 2929.144 of the Revised Code, except that if the section that criminalizes the conduct constituting the felony specifies a different minimum term or penalty for the offense, the specific language of that section shall control in determining the minimum term or otherwise sentencing the offender but the minimum term or sentence imposed under that specific language shall be considered for purposes of the Revised Code as if it had been imposed under this division.

(b) For a felony of the second degree committed prior to March 22, 2019, the prison term shall be a definite term of two, three, four, five, six, seven, or eight years.

(3) (a) For a felony of the third degree that is a violation of section 2903.06, 2903.08, 2907.03, 2907.04, 2907.05, 2907.321, 2907.322, 2907.323, or 3795.04 of the Revised Code, that is a violation of division (A) of section 4511.19 of the Revised Code if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of that section that was a felony, that is a violation of section 2911.02 or 2911.12 of the Revised Code if the offender previously has been convicted of or pleaded guilty in two or more separate proceedings to two or more violations of section 2911.01, 2911.02, 2911.11, or 2911.12 of the Revised Code, or that is a violation of division (B) of section 2921.331 of the Revised Code if division (C) (5) of that section applies, the prison term shall be a definite term of twelve, eighteen, twenty-four, thirty, thirty-six, forty-two, forty-eight, fifty-

four, or sixty months. 1754

(b) For a felony of the third degree that is not an 1755
offense for which division (A) (3) (a) of this section applies, 1756
the prison term shall be a definite term of nine, twelve, 1757
eighteen, twenty-four, thirty, or thirty-six months. 1758

(4) For a felony of the fourth degree, the prison term 1759
shall be a definite term of six, seven, eight, nine, ten, 1760
eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, 1761
or eighteen months. 1762

(5) For a felony of the fifth degree, the prison term 1763
shall be a definite term of six, seven, eight, nine, ten, 1764
eleven, or twelve months. 1765

(B) (1) (a) Except as provided in division (B) (1) (e) of this 1766
section, if an offender who is convicted of or pleads guilty to 1767
a felony also is convicted of or pleads guilty to a 1768
specification of the type described in section 2941.141, 1769
2941.144, or 2941.145 of the Revised Code, the court shall 1770
impose on the offender one of the following prison terms: 1771

(i) A prison term of six years if the specification is of 1772
the type described in division (A) of section 2941.144 of the 1773
Revised Code that charges the offender with having a firearm 1774
that is an automatic firearm or that was equipped with a firearm 1775
muffler or suppressor on or about the offender's person or under 1776
the offender's control while committing the offense; 1777

(ii) A prison term of three years if the specification is 1778
of the type described in division (A) of section 2941.145 of the 1779
Revised Code that charges the offender with having a firearm on 1780
or about the offender's person or under the offender's control 1781
while committing the offense and displaying the firearm, 1782

brandishing the firearm, indicating that the offender possessed 1783
the firearm, or using it to facilitate the offense; 1784

(iii) A prison term of one year if the specification is of 1785
the type described in division (A) of section 2941.141 of the 1786
Revised Code that charges the offender with having a firearm on 1787
or about the offender's person or under the offender's control 1788
while committing the offense; 1789

(iv) A prison term of nine years if the specification is 1790
of the type described in division (D) of section 2941.144 of the 1791
Revised Code that charges the offender with having a firearm 1792
that is an automatic firearm or that was equipped with a firearm 1793
muffler or suppressor on or about the offender's person or under 1794
the offender's control while committing the offense and 1795
specifies that the offender previously has been convicted of or 1796
pleaded guilty to a specification of the type described in 1797
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1798
the Revised Code; 1799

(v) A prison term of fifty-four months if the 1800
specification is of the type described in division (D) of 1801
section 2941.145 of the Revised Code that charges the offender 1802
with having a firearm on or about the offender's person or under 1803
the offender's control while committing the offense and 1804
displaying the firearm, brandishing the firearm, indicating that 1805
the offender possessed the firearm, or using the firearm to 1806
facilitate the offense and that the offender previously has been 1807
convicted of or pleaded guilty to a specification of the type 1808
described in section 2941.141, 2941.144, 2941.145, 2941.146, or 1809
2941.1412 of the Revised Code; 1810

(vi) A prison term of eighteen months if the specification 1811
is of the type described in division (D) of section 2941.141 of 1812

the Revised Code that charges the offender with having a firearm 1813
on or about the offender's person or under the offender's 1814
control while committing the offense and that the offender 1815
previously has been convicted of or pleaded guilty to a 1816
specification of the type described in section 2941.141, 1817
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code. 1818

(b) If a court imposes a prison term on an offender under 1819
division (B) (1) (a) of this section, the prison term shall not be 1820
reduced pursuant to section 2929.20, division (A) (2) or (3) of 1821
section 2967.193 or 2967.194, or any other provision of Chapter 1822
2967. or Chapter 5120. of the Revised Code. Except as provided 1823
in division (B) (1) (g) of this section, a court shall not impose 1824
more than one prison term on an offender under division (B) (1) 1825
(a) of this section for felonies committed as part of the same 1826
act or transaction. 1827

(c) (i) Except as provided in division (B) (1) (e) of this 1828
section, if an offender who is convicted of or pleads guilty to 1829
a violation of section 2923.161 of the Revised Code or to a 1830
felony that includes, as an essential element, purposely or 1831
knowingly causing or attempting to cause the death of or 1832
physical harm to another, also is convicted of or pleads guilty 1833
to a specification of the type described in division (A) of 1834
section 2941.146 of the Revised Code that charges the offender 1835
with committing the offense by discharging a firearm from a 1836
motor vehicle other than a manufactured home, the court, after 1837
imposing a prison term on the offender for the violation of 1838
section 2923.161 of the Revised Code or for the other felony 1839
offense under division (A), (B) (2), or (B) (3) of this section, 1840
shall impose an additional prison term of five years upon the 1841
offender that shall not be reduced pursuant to section 2929.20, 1842
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1843

other provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1844
1845

(ii) Except as provided in division (B)(1)(e) of this 1846
section, if an offender who is convicted of or pleads guilty to 1847
a violation of section 2923.161 of the Revised Code or to a 1848
felony that includes, as an essential element, purposely or 1849
knowingly causing or attempting to cause the death of or 1850
physical harm to another, also is convicted of or pleads guilty 1851
to a specification of the type described in division (C) of 1852
section 2941.146 of the Revised Code that charges the offender 1853
with committing the offense by discharging a firearm from a 1854
motor vehicle other than a manufactured home and that the 1855
offender previously has been convicted of or pleaded guilty to a 1856
specification of the type described in section 2941.141, 1857
2941.144, 2941.145, 2941.146, or 2941.1412 of the Revised Code, 1858
the court, after imposing a prison term on the offender for the 1859
violation of section 2923.161 of the Revised Code or for the 1860
other felony offense under division (A), (B)(2), or (3) of this 1861
section, shall impose an additional prison term of ninety months 1862
upon the offender that shall not be reduced pursuant to section 1863
2929.20, division (A)(2) or (3) of section 2967.193 or 2967.194, 1864
or any other provision of Chapter 2967. or Chapter 5120. of the 1865
Revised Code. 1866

(iii) A court shall not impose more than one additional 1867
prison term on an offender under division (B)(1)(c) of this 1868
section for felonies committed as part of the same act or 1869
transaction. If a court imposes an additional prison term on an 1870
offender under division (B)(1)(c) of this section relative to an 1871
offense, the court also shall impose a prison term under 1872
division (B)(1)(a) of this section relative to the same offense, 1873
provided the criteria specified in that division for imposing an 1874

additional prison term are satisfied relative to the offender 1875
and the offense. 1876

(d) If an offender who is convicted of or pleads guilty to 1877
an offense of violence that is a felony also is convicted of or 1878
pleads guilty to a specification of the type described in 1879
section 2941.1411 of the Revised Code that charges the offender 1880
with wearing or carrying body armor while committing the felony 1881
offense of violence, the court shall impose on the offender an 1882
additional prison term of two years. The prison term so imposed 1883
shall not be reduced pursuant to section 2929.20, division (A) 1884
(2) or (3) of section 2967.193 or 2967.194, or any other 1885
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 1886
A court shall not impose more than one prison term on an 1887
offender under division (B) (1) (d) of this section for felonies 1888
committed as part of the same act or transaction. If a court 1889
imposes an additional prison term under division (B) (1) (a) or 1890
(c) of this section, the court is not precluded from imposing an 1891
additional prison term under division (B) (1) (d) of this section. 1892

(e) The court shall not impose any of the prison terms 1893
described in division (B) (1) (a) of this section or any of the 1894
additional prison terms described in division (B) (1) (c) of this 1895
section upon an offender for a violation of section 2923.12 or 1896
2923.123 of the Revised Code. The court shall not impose any of 1897
the prison terms described in division (B) (1) (a) or (b) of this 1898
section upon an offender for a violation of section 2923.122 1899
that involves a deadly weapon that is a firearm other than a 1900
dangerous ordnance, section 2923.16, or section 2923.121 of the 1901
Revised Code. The court shall not impose any of the prison terms 1902
described in division (B) (1) (a) of this section or any of the 1903
additional prison terms described in division (B) (1) (c) of this 1904
section upon an offender for a violation of section 2923.13 of 1905

the Revised Code unless all of the following apply: 1906

(i) The offender previously has been convicted of 1907
aggravated murder, murder, or any felony of the first or second 1908
degree. 1909

(ii) Less than five years have passed since the offender 1910
was released from prison or post-release control, whichever is 1911
later, for the prior offense. 1912

(f) (i) If an offender is convicted of or pleads guilty to 1913
a felony that includes, as an essential element, causing or 1914
attempting to cause the death of or physical harm to another and 1915
also is convicted of or pleads guilty to a specification of the 1916
type described in division (A) of section 2941.1412 of the 1917
Revised Code that charges the offender with committing the 1918
offense by discharging a firearm at a peace officer as defined 1919
in section 2935.01 of the Revised Code or a corrections officer, 1920
as defined in section 2941.1412 of the Revised Code, the court, 1921
after imposing a prison term on the offender for the felony 1922
offense under division (A), (B) (2), or (B) (3) of this section, 1923
shall impose an additional prison term of seven years upon the 1924
offender that shall not be reduced pursuant to section 2929.20, 1925
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 1926
other provision of Chapter 2967. or Chapter 5120. of the Revised 1927
Code. 1928

(ii) If an offender is convicted of or pleads guilty to a 1929
felony that includes, as an essential element, causing or 1930
attempting to cause the death of or physical harm to another and 1931
also is convicted of or pleads guilty to a specification of the 1932
type described in division (B) of section 2941.1412 of the 1933
Revised Code that charges the offender with committing the 1934
offense by discharging a firearm at a peace officer, as defined 1935

in section 2935.01 of the Revised Code, or a corrections 1936
officer, as defined in section 2941.1412 of the Revised Code, 1937
and that the offender previously has been convicted of or 1938
pleaded guilty to a specification of the type described in 1939
section 2941.141, 2941.144, 2941.145, 2941.146, or 2941.1412 of 1940
the Revised Code, the court, after imposing a prison term on the 1941
offender for the felony offense under division (A), (B) (2), or 1942
(3) of this section, shall impose an additional prison term of 1943
one hundred twenty-six months upon the offender that shall not 1944
be reduced pursuant to section 2929.20, division (A) (2) or (3) 1945
of section 2967.193 or 2967.194, or any other provision of 1946
Chapter 2967. or 5120. of the Revised Code. 1947

(iii) If an offender is convicted of or pleads guilty to 1948
two or more felonies that include, as an essential element, 1949
causing or attempting to cause the death or physical harm to 1950
another and also is convicted of or pleads guilty to a 1951
specification of the type described under division (B) (1) (f) of 1952
this section in connection with two or more of the felonies of 1953
which the offender is convicted or to which the offender pleads 1954
guilty, the sentencing court shall impose on the offender the 1955
prison term specified under division (B) (1) (f) of this section 1956
for each of two of the specifications of which the offender is 1957
convicted or to which the offender pleads guilty and, in its 1958
discretion, also may impose on the offender the prison term 1959
specified under that division for any or all of the remaining 1960
specifications. If a court imposes an additional prison term on 1961
an offender under division (B) (1) (f) of this section relative to 1962
an offense, the court shall not impose a prison term under 1963
division (B) (1) (a) or (c) of this section relative to the same 1964
offense. 1965

(g) If an offender is convicted of or pleads guilty to two 1966

or more felonies, if one or more of those felonies are 1967
aggravated murder, murder, attempted aggravated murder, 1968
attempted murder, aggravated robbery, felonious assault, or 1969
rape, and if the offender is convicted of or pleads guilty to a 1970
specification of the type described under division (B)(1)(a) of 1971
this section in connection with two or more of the felonies, the 1972
sentencing court shall impose on the offender the prison term 1973
specified under division (B)(1)(a) of this section for each of 1974
the two most serious specifications of which the offender is 1975
convicted or to which the offender pleads guilty and, in its 1976
discretion, also may impose on the offender the prison term 1977
specified under that division for any or all of the remaining 1978
specifications. 1979

(2)(a) If division (B)(2)(b) of this section does not 1980
apply, the court may impose on an offender, in addition to the 1981
longest prison term authorized or required for the offense or, 1982
for offenses for which division (A)(1)(a) or (2)(a) of this 1983
section applies, in addition to the longest minimum prison term 1984
authorized or required for the offense, an additional definite 1985
prison term of one, two, three, four, five, six, seven, eight, 1986
nine, or ten years if all of the following criteria are met: 1987

(i) The offender is convicted of or pleads guilty to a 1988
specification of the type described in section 2941.149 of the 1989
Revised Code that the offender is a repeat violent offender. 1990

(ii) The offense of which the offender currently is 1991
convicted or to which the offender currently pleads guilty is 1992
aggravated murder and the court does not impose a sentence of 1993
death or life imprisonment without parole, murder, terrorism and 1994
the court does not impose a sentence of life imprisonment 1995
without parole, any felony of the first degree that is an 1996

offense of violence and the court does not impose a sentence of 1997
life imprisonment without parole, or any felony of the second 1998
degree that is an offense of violence and the trier of fact 1999
finds that the offense involved an attempt to cause or a threat 2000
to cause serious physical harm to a person or resulted in 2001
serious physical harm to a person. 2002

(iii) The court imposes the longest prison term for the 2003
offense or the longest minimum prison term for the offense, 2004
whichever is applicable, that is not life imprisonment without 2005
parole. 2006

(iv) The court finds that the prison terms imposed 2007
pursuant to division (B) (2) (a) (iii) of this section and, if 2008
applicable, division (B) (1) or (3) of this section are 2009
inadequate to punish the offender and protect the public from 2010
future crime, because the applicable factors under section 2011
2929.12 of the Revised Code indicating a greater likelihood of 2012
recidivism outweigh the applicable factors under that section 2013
indicating a lesser likelihood of recidivism. 2014

(v) The court finds that the prison terms imposed pursuant 2015
to division (B) (2) (a) (iii) of this section and, if applicable, 2016
division (B) (1) or (3) of this section are demeaning to the 2017
seriousness of the offense, because one or more of the factors 2018
under section 2929.12 of the Revised Code indicating that the 2019
offender's conduct is more serious than conduct normally 2020
constituting the offense are present, and they outweigh the 2021
applicable factors under that section indicating that the 2022
offender's conduct is less serious than conduct normally 2023
constituting the offense. 2024

(b) The court shall impose on an offender the longest 2025
prison term authorized or required for the offense or, for 2026

offenses for which division (A) (1) (a) or (2) (a) of this section 2027
applies, the longest minimum prison term authorized or required 2028
for the offense, and shall impose on the offender an additional 2029
definite prison term of one, two, three, four, five, six, seven, 2030
eight, nine, or ten years if all of the following criteria are 2031
met: 2032

(i) The offender is convicted of or pleads guilty to a 2033
specification of the type described in section 2941.149 of the 2034
Revised Code that the offender is a repeat violent offender. 2035

(ii) The offender within the preceding twenty years has 2036
been convicted of or pleaded guilty to three or more offenses 2037
described in division (CC) (1) of section 2929.01 of the Revised 2038
Code, including all offenses described in that division of which 2039
the offender is convicted or to which the offender pleads guilty 2040
in the current prosecution and all offenses described in that 2041
division of which the offender previously has been convicted or 2042
to which the offender previously pleaded guilty, whether 2043
prosecuted together or separately. 2044

(iii) The offense or offenses of which the offender 2045
currently is convicted or to which the offender currently pleads 2046
guilty is aggravated murder and the court does not impose a 2047
sentence of death or life imprisonment without parole, murder, 2048
terrorism and the court does not impose a sentence of life 2049
imprisonment without parole, any felony of the first degree that 2050
is an offense of violence and the court does not impose a 2051
sentence of life imprisonment without parole, or any felony of 2052
the second degree that is an offense of violence and the trier 2053
of fact finds that the offense involved an attempt to cause or a 2054
threat to cause serious physical harm to a person or resulted in 2055
serious physical harm to a person. 2056

(c) For purposes of division (B)(2)(b) of this section, 2057
two or more offenses committed at the same time or as part of 2058
the same act or event shall be considered one offense, and that 2059
one offense shall be the offense with the greatest penalty. 2060

(d) A sentence imposed under division (B)(2)(a) or (b) of 2061
this section shall not be reduced pursuant to section 2929.20, 2062
division (A)(2) or (3) of section 2967.193 or 2967.194, or any 2063
other provision of Chapter 2967. or Chapter 5120. of the Revised 2064
Code. The offender shall serve an additional prison term imposed 2065
under division (B)(2)(a) or (b) of this section consecutively to 2066
and prior to the prison term imposed for the underlying offense. 2067

(e) When imposing a sentence pursuant to division (B)(2) 2068
(a) or (b) of this section, the court shall state its findings 2069
explaining the imposed sentence. 2070

(3) Except when an offender commits a violation of section 2071
2903.01 or 2907.02 of the Revised Code and the penalty imposed 2072
for the violation is life imprisonment or commits a violation of 2073
section 2903.02 of the Revised Code, if the offender commits a 2074
violation of section 2925.03 or 2925.11 of the Revised Code and 2075
that section classifies the offender as a major drug offender, 2076
if the offender commits a violation of section 2925.05 of the 2077
Revised Code and division (E)(1) of that section classifies the 2078
offender as a major drug offender, if the offender commits a 2079
felony violation of section 2925.02, 2925.04, 2925.05, 2925.36, 2080
3719.07, 3719.08, 3719.16, 3719.161, 4729.37, or 4729.61, 2081
division (C) or (D) of section 3719.172, division (E) of section 2082
4729.51, or division (J) of section 4729.54 of the Revised Code 2083
that includes the sale, offer to sell, or possession of a 2084
schedule I or II controlled substance, with the exception of 2085
marihuana, and the court imposing sentence upon the offender 2086

finds that the offender is guilty of a specification of the type 2087
described in division (A) of section 2941.1410 of the Revised 2088
Code charging that the offender is a major drug offender, if the 2089
court imposing sentence upon an offender for a felony finds that 2090
the offender is guilty of corrupt activity with the most serious 2091
offense in the pattern of corrupt activity being a felony of the 2092
first degree, or if the offender is guilty of an attempted 2093
violation of section 2907.02 of the Revised Code and, had the 2094
offender completed the violation of section 2907.02 of the 2095
Revised Code that was attempted, the offender would have been 2096
subject to a sentence of life imprisonment or life imprisonment 2097
without parole for the violation of section 2907.02 of the 2098
Revised Code, the court shall impose upon the offender for the 2099
felony violation a mandatory prison term determined as described 2100
in this division that cannot be reduced pursuant to section 2101
2929.20, division (A) (2) or (3) of section 2967.193 or 2967.194, 2102
or any other provision of Chapter 2967. or 5120. of the Revised 2103
Code. The mandatory prison term shall be the maximum definite 2104
prison term prescribed in division (A) (1) (b) of this section for 2105
a felony of the first degree, except that for offenses for which 2106
division (A) (1) (a) of this section applies, the mandatory prison 2107
term shall be the longest minimum prison term prescribed in that 2108
division for the offense. 2109

(4) If the offender is being sentenced for a third or 2110
fourth degree felony OVI offense under division (G) (2) of 2111
section 2929.13 of the Revised Code, the sentencing court shall 2112
impose upon the offender a mandatory prison term in accordance 2113
with that division. In addition to the mandatory prison term, if 2114
the offender is being sentenced for a fourth degree felony OVI 2115
offense, the court, notwithstanding division (A) (4) of this 2116
section, may sentence the offender to a definite prison term of 2117

not less than six months and not more than thirty months, and if 2118
the offender is being sentenced for a third degree felony OVI 2119
offense, the sentencing court may sentence the offender to an 2120
additional prison term of any duration specified in division (A) 2121
(3) of this section. In either case, the additional prison term 2122
imposed shall be reduced by the sixty or one hundred twenty days 2123
imposed upon the offender as the mandatory prison term. The 2124
total of the additional prison term imposed under division (B) 2125
(4) of this section plus the sixty or one hundred twenty days 2126
imposed as the mandatory prison term shall equal a definite term 2127
in the range of six months to thirty months for a fourth degree 2128
felony OVI offense and shall equal one of the authorized prison 2129
terms specified in division (A) (3) of this section for a third 2130
degree felony OVI offense. If the court imposes an additional 2131
prison term under division (B) (4) of this section, the offender 2132
shall serve the additional prison term after the offender has 2133
served the mandatory prison term required for the offense. In 2134
addition to the mandatory prison term or mandatory and 2135
additional prison term imposed as described in division (B) (4) 2136
of this section, the court also may sentence the offender to a 2137
community control sanction under section 2929.16 or 2929.17 of 2138
the Revised Code, but the offender shall serve all of the prison 2139
terms so imposed prior to serving the community control 2140
sanction. 2141

If the offender is being sentenced for a fourth degree 2142
felony OVI offense under division (G) (1) of section 2929.13 of 2143
the Revised Code and the court imposes a mandatory term of local 2144
incarceration, the court may impose a prison term as described 2145
in division (A) (1) of that section. 2146

(5) If an offender is convicted of or pleads guilty to a 2147
violation of division (A) (1) or (2) of section 2903.06 of the 2148

Revised Code and also is convicted of or pleads guilty to a 2149
specification of the type described in section 2941.1414 of the 2150
Revised Code that charges that the victim of the offense is a 2151
peace officer, as defined in section 2935.01 of the Revised 2152
Code, an investigator of the bureau of criminal identification 2153
and investigation, as defined in section 2903.11 of the Revised 2154
Code, or a firefighter or emergency medical worker, both as 2155
defined in section 2941.1414 of the Revised Code, the court 2156
shall impose on the offender a prison term of five years. If a 2157
court imposes a prison term on an offender under division (B) (5) 2158
of this section, the prison term shall not be reduced pursuant 2159
to section 2929.20, division (A) (2) or (3) of section 2967.193 2160
or 2967.194, or any other provision of Chapter 2967. or Chapter 2161
5120. of the Revised Code. A court shall not impose more than 2162
one prison term on an offender under division (B) (5) of this 2163
section for felonies committed as part of the same act. 2164

(6) If an offender is convicted of or pleads guilty to a 2165
violation of division (A) (1) or (2) of section 2903.06 of the 2166
Revised Code and also is convicted of or pleads guilty to a 2167
specification of the type described in section 2941.1415 of the 2168
Revised Code that charges that the offender previously has been 2169
convicted of or pleaded guilty to three or more violations of 2170
division (A) of section 4511.19 of the Revised Code or an 2171
equivalent offense, as defined in section 2941.1415 of the 2172
Revised Code, or three or more violations of any combination of 2173
those offenses, the court shall impose on the offender a prison 2174
term of three years. If a court imposes a prison term on an 2175
offender under division (B) (6) of this section, the prison term 2176
shall not be reduced pursuant to section 2929.20, division (A) 2177
(2) or (3) of section 2967.193 or 2967.194, or any other 2178
provision of Chapter 2967. or Chapter 5120. of the Revised Code. 2179

A court shall not impose more than one prison term on an 2180
offender under division (B)(6) of this section for felonies 2181
committed as part of the same act. 2182

(7)(a) If an offender is convicted of or pleads guilty to 2183
a felony violation of section 2905.01, 2905.02, 2907.21, 2184
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 2185
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 2186
section 2919.22 of the Revised Code and also is convicted of or 2187
pleads guilty to a specification of the type described in 2188
section 2941.1422 of the Revised Code that charges that the 2189
offender knowingly committed the offense in furtherance of human 2190
trafficking, the court shall impose on the offender a mandatory 2191
prison term that is one of the following: 2192

(i) If the offense is a felony of the first degree, a 2193
definite prison term of not less than five years and not greater 2194
than eleven years, except that if the offense is a felony of the 2195
first degree committed on or after March 22, 2019, the court 2196
shall impose as the minimum prison term a mandatory term of not 2197
less than five years and not greater than eleven years; 2198

(ii) If the offense is a felony of the second or third 2199
degree, a definite prison term of not less than three years and 2200
not greater than the maximum prison term allowed for the offense 2201
by division (A)(2)(b) or (3) of this section, except that if the 2202
offense is a felony of the second degree committed on or after 2203
March 22, 2019, the court shall impose as the minimum prison 2204
term a mandatory term of not less than three years and not 2205
greater than eight years; 2206

(iii) If the offense is a felony of the fourth or fifth 2207
degree, a definite prison term that is the maximum prison term 2208
allowed for the offense by division (A) of section 2929.14 of 2209

the Revised Code. 2210

(b) The prison term imposed under division (B) (7) (a) of 2211
this section shall not be reduced pursuant to section 2929.20, 2212
division (A) (2) or (3) of section 2967.193 or 2967.194, or any 2213
other provision of Chapter 2967. of the Revised Code. A court 2214
shall not impose more than one prison term on an offender under 2215
division (B) (7) (a) of this section for felonies committed as 2216
part of the same act, scheme, or plan. 2217

(8) If an offender is convicted of or pleads guilty to a 2218
felony violation of section 2903.11, 2903.12, or 2903.13 of the 2219
Revised Code and also is convicted of or pleads guilty to a 2220
specification of the type described in section 2941.1423 of the 2221
Revised Code that charges that the victim of the violation was a 2222
woman whom the offender knew was pregnant at the time of the 2223
violation, notwithstanding the range prescribed in division (A) 2224
of this section as the definite prison term or minimum prison 2225
term for felonies of the same degree as the violation, the court 2226
shall impose on the offender a mandatory prison term that is 2227
either a definite prison term of six months or one of the prison 2228
terms prescribed in division (A) of this section for felonies of 2229
the same degree as the violation, except that if the violation 2230
is a felony of the first or second degree committed on or after 2231
~~arch~~ March 22, 2019, the court shall impose as the minimum 2232
prison term under division (A) (1) (a) or (2) (a) of this section a 2233
mandatory term that is one of the terms prescribed in that 2234
division, whichever is applicable, for the offense. 2235

(9) (a) If an offender is convicted of or pleads guilty to 2236
a violation of division (A) (1) or (2) of section 2903.11 of the 2237
Revised Code and also is convicted of or pleads guilty to a 2238
specification of the type described in section 2941.1425 of the 2239

Revised Code, the court shall impose on the offender a mandatory 2240
prison term of six years if either of the following applies: 2241

(i) The violation is a violation of division (A)(1) of 2242
section 2903.11 of the Revised Code and the specification 2243
charges that the offender used an accelerant in committing the 2244
violation and the serious physical harm to another or to 2245
another's unborn caused by the violation resulted in a 2246
permanent, serious disfigurement or permanent, substantial 2247
incapacity; 2248

(ii) The violation is a violation of division (A)(2) of 2249
section 2903.11 of the Revised Code and the specification 2250
charges that the offender used an accelerant in committing the 2251
violation, that the violation caused physical harm to another or 2252
to another's unborn, and that the physical harm resulted in a 2253
permanent, serious disfigurement or permanent, substantial 2254
incapacity. 2255

(b) If a court imposes a prison term on an offender under 2256
division (B)(9)(a) of this section, the prison term shall not be 2257
reduced pursuant to section 2929.20, division (A)(2) or (3) of 2258
section 2967.193 or 2967.194, or any other provision of Chapter 2259
2967. or Chapter 5120. of the Revised Code. A court shall not 2260
impose more than one prison term on an offender under division 2261
(B)(9) of this section for felonies committed as part of the 2262
same act. 2263

(c) The provisions of divisions (B)(9) and (C)(6) of this 2264
section and of division (D)(2) of section 2903.11, division (F) 2265
(20) of section 2929.13, and section 2941.1425 of the Revised 2266
Code shall be known as "Judy's Law." 2267

(10) If an offender is convicted of or pleads guilty to a 2268

violation of division (A) of section 2903.11 of the Revised Code 2269
and also is convicted of or pleads guilty to a specification of 2270
the type described in section 2941.1426 of the Revised Code that 2271
charges that the victim of the offense suffered permanent 2272
disabling harm as a result of the offense and that the victim 2273
was under ten years of age at the time of the offense, 2274
regardless of whether the offender knew the age of the victim, 2275
the court shall impose upon the offender an additional definite 2276
prison term of six years. A prison term imposed on an offender 2277
under division (B) (10) of this section shall not be reduced 2278
pursuant to section 2929.20, division (A) (2) or (3) of section 2279
2967.193 or 2967.194, or any other provision of Chapter 2967. or 2280
Chapter 5120. of the Revised Code. If a court imposes an 2281
additional prison term on an offender under this division 2282
relative to a violation of division (A) of section 2903.11 of 2283
the Revised Code, the court shall not impose any other 2284
additional prison term on the offender relative to the same 2285
offense. 2286

(11) If an offender is convicted of or pleads guilty to a 2287
felony violation of section 2925.03 or 2925.05 of the Revised 2288
Code or a felony violation of section 2925.11 of the Revised 2289
Code for which division (C) (11) of that section applies in 2290
determining the sentence for the violation, if the drug involved 2291
in the violation is a fentanyl-related compound or a compound, 2292
mixture, preparation, or substance containing a fentanyl-related 2293
compound, and if the offender also is convicted of or pleads 2294
guilty to a specification of the type described in division (B) 2295
of section 2941.1410 of the Revised Code that charges that the 2296
offender is a major drug offender, in addition to any other 2297
penalty imposed for the violation, the court shall impose on the 2298
offender a mandatory prison term of three, four, five, six, 2299

seven, or eight years. If a court imposes a prison term on an 2300
offender under division (B) (11) of this section, the prison term 2301
shall not be reduced pursuant to section 2929.20, division (A) 2302
(2) or (3) of section 2967.193 or 2967.194, or any other 2303
provision of Chapter 2967. or 5120. of the Revised Code. A court 2304
shall not impose more than one prison term on an offender under 2305
division (B) (11) of this section for felonies committed as part 2306
of the same act. 2307

(C) (1) (a) Subject to division (C) (1) (b) of this section, 2308
if a mandatory prison term is imposed upon an offender pursuant 2309
to division (B) (1) (a) of this section for having a firearm on or 2310
about the offender's person or under the offender's control 2311
while committing a felony, if a mandatory prison term is imposed 2312
upon an offender pursuant to division (B) (1) (c) of this section 2313
for committing a felony specified in that division by 2314
discharging a firearm from a motor vehicle, or if both types of 2315
mandatory prison terms are imposed, the offender shall serve any 2316
mandatory prison term imposed under either division 2317
consecutively to any other mandatory prison term imposed under 2318
either division or under division (B) (1) (d) of this section, 2319
consecutively to and prior to any prison term imposed for the 2320
underlying felony pursuant to division (A), (B) (2), or (B) (3) of 2321
this section or any other section of the Revised Code, and 2322
consecutively to any other prison term or mandatory prison term 2323
previously or subsequently imposed upon the offender. 2324

(b) If a mandatory prison term is imposed upon an offender 2325
pursuant to division (B) (1) (d) of this section for wearing or 2326
carrying body armor while committing an offense of violence that 2327
is a felony, the offender shall serve the mandatory term so 2328
imposed consecutively to any other mandatory prison term imposed 2329
under that division or under division (B) (1) (a) or (c) of this 2330

section, consecutively to and prior to any prison term imposed 2331
for the underlying felony under division (A), (B) (2), or (B) (3) 2332
of this section or any other section of the Revised Code, and 2333
consecutively to any other prison term or mandatory prison term 2334
previously or subsequently imposed upon the offender. 2335

(c) If a mandatory prison term is imposed upon an offender 2336
pursuant to division (B) (1) (f) of this section, the offender 2337
shall serve the mandatory prison term so imposed consecutively 2338
to and prior to any prison term imposed for the underlying 2339
felony under division (A), (B) (2), or (B) (3) of this section or 2340
any other section of the Revised Code, and consecutively to any 2341
other prison term or mandatory prison term previously or 2342
subsequently imposed upon the offender. 2343

(d) If a mandatory prison term is imposed upon an offender 2344
pursuant to division (B) (7) or (8) of this section, the offender 2345
shall serve the mandatory prison term so imposed consecutively 2346
to any other mandatory prison term imposed under that division 2347
or under any other provision of law and consecutively to any 2348
other prison term or mandatory prison term previously or 2349
subsequently imposed upon the offender. 2350

(e) If a mandatory prison term is imposed upon an offender 2351
pursuant to division (B) (11) of this section, the offender shall 2352
serve the mandatory prison term consecutively to any other 2353
mandatory prison term imposed under that division, consecutively 2354
to and prior to any prison term imposed for the underlying 2355
felony, and consecutively to any other prison term or mandatory 2356
prison term previously or subsequently imposed upon the 2357
offender. 2358

(2) If an offender who is an inmate in a jail, prison, or 2359
other residential detention facility violates section 2917.02, 2360

2917.03, or 2921.35 of the Revised Code or division (A) (1) or 2361
(2) of section 2921.34 of the Revised Code, if an offender who 2362
is under detention at a detention facility commits a felony 2363
violation of section 2923.131 of the Revised Code, or if an 2364
offender who is an inmate in a jail, prison, or other 2365
residential detention facility or is under detention at a 2366
detention facility commits another felony while the offender is 2367
an escapee in violation of division (A) (1) or (2) of section 2368
2921.34 of the Revised Code, any prison term imposed upon the 2369
offender for one of those violations shall be served by the 2370
offender consecutively to the prison term or term of 2371
imprisonment the offender was serving when the offender 2372
committed that offense and to any other prison term previously 2373
or subsequently imposed upon the offender. 2374

(3) If a prison term is imposed for a violation of 2375
division (B) of section 2911.01 of the Revised Code, a violation 2376
of division (A) of section 2913.02 of the Revised Code in which 2377
the stolen property is a firearm or dangerous ordnance, or a 2378
felony violation of division (B) of section 2921.331 of the 2379
Revised Code, the offender shall serve that prison term 2380
consecutively to any other prison term or mandatory prison term 2381
previously or subsequently imposed upon the offender. 2382

(4) If multiple prison terms are imposed on an offender 2383
for convictions of multiple offenses, the court may require the 2384
offender to serve the prison terms consecutively if the court 2385
finds that the consecutive service is necessary to protect the 2386
public from future crime or to punish the offender and that 2387
consecutive sentences are not disproportionate to the 2388
seriousness of the offender's conduct and to the danger the 2389
offender poses to the public, and if the court also finds any of 2390
the following: 2391

(a) The offender committed one or more of the multiple 2392
offenses while the offender was awaiting trial or sentencing, 2393
was under a sanction imposed pursuant to section 2929.16, 2394
2929.17, or 2929.18 of the Revised Code, or was under post- 2395
release control for a prior offense. 2396

(b) At least two of the multiple offenses were committed 2397
as part of one or more courses of conduct, and the harm caused 2398
by two or more of the multiple offenses so committed was so 2399
great or unusual that no single prison term for any of the 2400
offenses committed as part of any of the courses of conduct 2401
adequately reflects the seriousness of the offender's conduct. 2402

(c) The offender's history of criminal conduct 2403
demonstrates that consecutive sentences are necessary to protect 2404
the public from future crime by the offender. 2405

(5) If a mandatory prison term is imposed upon an offender 2406
pursuant to division (B) (5) or (6) of this section, the offender 2407
shall serve the mandatory prison term consecutively to and prior 2408
to any prison term imposed for the underlying violation of 2409
division (A) (1) or (2) of section 2903.06 of the Revised Code 2410
pursuant to division (A) of this section or section 2929.142 of 2411
the Revised Code. If a mandatory prison term is imposed upon an 2412
offender pursuant to division (B) (5) of this section, and if a 2413
mandatory prison term also is imposed upon the offender pursuant 2414
to division (B) (6) of this section in relation to the same 2415
violation, the offender shall serve the mandatory prison term 2416
imposed pursuant to division (B) (5) of this section 2417
consecutively to and prior to the mandatory prison term imposed 2418
pursuant to division (B) (6) of this section and consecutively to 2419
and prior to any prison term imposed for the underlying 2420
violation of division (A) (1) or (2) of section 2903.06 of the 2421

Revised Code pursuant to division (A) of this section or section 2422
2929.142 of the Revised Code. 2423

(6) If a mandatory prison term is imposed on an offender 2424
pursuant to division (B)(9) of this section, the offender shall 2425
serve the mandatory prison term consecutively to and prior to 2426
any prison term imposed for the underlying violation of division 2427
(A)(1) or (2) of section 2903.11 of the Revised Code and 2428
consecutively to and prior to any other prison term or mandatory 2429
prison term previously or subsequently imposed on the offender. 2430

(7) If a mandatory prison term is imposed on an offender 2431
pursuant to division (B)(10) of this section, the offender shall 2432
serve that mandatory prison term consecutively to and prior to 2433
any prison term imposed for the underlying felonious assault. 2434
Except as otherwise provided in division (C) of this section, 2435
any other prison term or mandatory prison term previously or 2436
subsequently imposed upon the offender may be served 2437
concurrently with, or consecutively to, the prison term imposed 2438
pursuant to division (B)(10) of this section. 2439

(8) Any prison term imposed for a violation of section 2440
2903.04 of the Revised Code that is based on a violation of 2441
section 2925.03 or 2925.11 of the Revised Code or on a violation 2442
of section 2925.05 of the Revised Code that is not funding of 2443
marihuana trafficking shall run consecutively to any prison term 2444
imposed for the violation of section 2925.03 or 2925.11 of the 2445
Revised Code or for the violation of section 2925.05 of the 2446
Revised Code that is not funding of marihuana trafficking. 2447

(9) When consecutive prison terms are imposed pursuant to 2448
division (C)(1), (2), (3), (4), (5), (6), (7), or (8) or 2449
division (H)(1) or (2) of this section, subject to division (C) 2450
(10) of this section, the term to be served is the aggregate of 2451

all of the terms so imposed. 2452

(10) When a court sentences an offender to a non-life 2453
felony indefinite prison term, any definite prison term or 2454
mandatory definite prison term previously or subsequently 2455
imposed on the offender in addition to that indefinite sentence 2456
that is required to be served consecutively to that indefinite 2457
sentence shall be served prior to the indefinite sentence. 2458

(11) If a court is sentencing an offender for a felony of 2459
the first or second degree, if division (A) (1) (a) or (2) (a) of 2460
this section applies with respect to the sentencing for the 2461
offense, and if the court is required under the Revised Code 2462
section that sets forth the offense or any other Revised Code 2463
provision to impose a mandatory prison term for the offense, the 2464
court shall impose the required mandatory prison term as the 2465
minimum term imposed under division (A) (1) (a) or (2) (a) of this 2466
section, whichever is applicable. 2467

(D) (1) If a court imposes a prison term, other than a term 2468
of life imprisonment, for a felony of the first degree, for a 2469
felony of the second degree, for a felony sex offense, or for a 2470
felony of the third degree that is an offense of violence and 2471
that is not a felony sex offense, it shall include in the 2472
sentence a requirement that the offender be subject to a period 2473
of post-release control after the offender's release from 2474
imprisonment, in accordance with section 2967.28 of the Revised 2475
Code. If a court imposes a sentence including a prison term of a 2476
type described in this division on or after July 11, 2006, the 2477
failure of a court to include a post-release control requirement 2478
in the sentence pursuant to this division does not negate, 2479
limit, or otherwise affect the mandatory period of post-release 2480
control that is required for the offender under division (B) of 2481

section 2967.28 of the Revised Code. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(2) If a court imposes a prison term for a felony of the third, fourth, or fifth degree that is not subject to division (D) (1) of this section, it shall include in the sentence a requirement that the offender be subject to a period of post-release control after the offender's release from imprisonment, in accordance with that division, if the parole board determines that a period of post-release control is necessary. Section 2929.191 of the Revised Code applies if, prior to July 11, 2006, a court imposed a sentence including a prison term of a type described in this division and failed to include in the sentence pursuant to this division a statement regarding post-release control.

(E) The court shall impose sentence upon the offender in accordance with section 2971.03 of the Revised Code, and Chapter 2971. of the Revised Code applies regarding the prison term or term of life imprisonment without parole imposed upon the offender and the service of that term of imprisonment if any of the following apply:

(1) A person is convicted of or pleads guilty to a violent sex offense or a designated homicide, assault, or kidnapping offense, and, in relation to that offense, the offender is adjudicated a sexually violent predator.

(2) A person is convicted of or pleads guilty to a violation of division (A) (1) (b) of section 2907.02 of the Revised Code committed on or after January 2, 2007, and either

the court does not impose a sentence of life without parole when 2512
authorized pursuant to division (B) of section 2907.02 of the 2513
Revised Code, or division (B) of section 2907.02 of the Revised 2514
Code provides that the court shall not sentence the offender 2515
pursuant to section 2971.03 of the Revised Code. 2516

(3) A person is convicted of or pleads guilty to attempted 2517
rape committed on or after January 2, 2007, and a specification 2518
of the type described in section 2941.1418, 2941.1419, or 2519
2941.1420 of the Revised Code. 2520

(4) A person is convicted of or pleads guilty to a 2521
violation of section 2905.01 of the Revised Code committed on or 2522
after January 1, 2008, and that section requires the court to 2523
sentence the offender pursuant to section 2971.03 of the Revised 2524
Code. 2525

(5) A person is convicted of or pleads guilty to 2526
aggravated murder committed on or after January 1, 2008, and 2527
division (A) (2) (b) (ii) of section 2929.022, division (A) (1) (e), 2528
(C) (1) (a) (v), (C) (2) (a) (ii), (D) (2) (b), (D) (3) (a) (iv), or (E) (1) 2529
(a) (iv) of section 2929.03, or division (A) or (B) of section 2530
2929.06 of the Revised Code requires the court to sentence the 2531
offender pursuant to division (B) (3) of section 2971.03 of the 2532
Revised Code. 2533

(6) A person is convicted of or pleads guilty to murder 2534
committed on or after January 1, 2008, and division (B) (2) of 2535
section 2929.02 of the Revised Code requires the court to 2536
sentence the offender pursuant to section 2971.03 of the Revised 2537
Code. 2538

(F) If a person who has been convicted of or pleaded 2539
guilty to a felony is sentenced to a prison term or term of 2540

imprisonment under this section, sections 2929.02 to 2929.06 of 2541
the Revised Code, section 2929.142 of the Revised Code, section 2542
2971.03 of the Revised Code, or any other provision of law, 2543
section 5120.163 of the Revised Code applies regarding the 2544
person while the person is confined in a state correctional 2545
institution. 2546

(G) If an offender who is convicted of or pleads guilty to 2547
a felony that is an offense of violence also is convicted of or 2548
pleads guilty to a specification of the type described in 2549
section 2941.142 of the Revised Code that charges the offender 2550
with having committed the felony while participating in a 2551
criminal gang, the court shall impose upon the offender an 2552
additional prison term of one, two, or three years. 2553

(H) (1) If an offender who is convicted of or pleads guilty 2554
to aggravated murder, murder, or a felony of the first, second, 2555
or third degree that is an offense of violence also is convicted 2556
of or pleads guilty to a specification of the type described in 2557
section 2941.143 of the Revised Code that charges the offender 2558
with having committed the offense in a school safety zone or 2559
towards a person in a school safety zone, the court shall impose 2560
upon the offender an additional prison term of two years. The 2561
offender shall serve the additional two years consecutively to 2562
and prior to the prison term imposed for the underlying offense. 2563

(2) (a) If an offender is convicted of or pleads guilty to 2564
a felony violation of section 2907.22, 2907.24, 2907.241, or 2565
2907.25 of the Revised Code and to a specification of the type 2566
described in section 2941.1421 of the Revised Code and if the 2567
court imposes a prison term on the offender for the felony 2568
violation, the court may impose upon the offender an additional 2569
prison term as follows: 2570

(i) Subject to division (H) (2) (a) (ii) of this section, an 2571
additional prison term of one, two, three, four, five, or six 2572
months; 2573

(ii) If the offender previously has been convicted of or 2574
pleaded guilty to one or more felony or misdemeanor violations 2575
of section 2907.22, 2907.23, 2907.24, 2907.241, or 2907.25 of 2576
the Revised Code and also was convicted of or pleaded guilty to 2577
a specification of the type described in section 2941.1421 of 2578
the Revised Code regarding one or more of those violations, an 2579
additional prison term of one, two, three, four, five, six, 2580
seven, eight, nine, ten, eleven, or twelve months. 2581

(b) In lieu of imposing an additional prison term under 2582
division (H) (2) (a) of this section, the court may directly 2583
impose on the offender a sanction that requires the offender to 2584
wear a real-time processing, continual tracking electronic 2585
monitoring device during the period of time specified by the 2586
court. The period of time specified by the court shall equal the 2587
duration of an additional prison term that the court could have 2588
imposed upon the offender under division (H) (2) (a) of this 2589
section. A sanction imposed under this division shall commence 2590
on the date specified by the court, provided that the sanction 2591
shall not commence until after the offender has served the 2592
prison term imposed for the felony violation of section 2907.22, 2593
2907.24, 2907.241, or 2907.25 of the Revised Code and any 2594
residential sanction imposed for the violation under section 2595
2929.16 of the Revised Code. A sanction imposed under this 2596
division shall be considered to be a community control sanction 2597
for purposes of section 2929.15 of the Revised Code, and all 2598
provisions of the Revised Code that pertain to community control 2599
sanctions shall apply to a sanction imposed under this division, 2600
except to the extent that they would by their nature be clearly 2601

inapplicable. The offender shall pay all costs associated with a 2602
sanction imposed under this division, including the cost of the 2603
use of the monitoring device. 2604

(I) At the time of sentencing, the court may recommend the 2605
offender for placement in a program of shock incarceration under 2606
section 5120.031 of the Revised Code or for placement in an 2607
intensive program prison under section 5120.032 of the Revised 2608
Code, disapprove placement of the offender in a program of shock 2609
incarceration or an intensive program prison of that nature, or 2610
make no recommendation on placement of the offender. In no case 2611
shall the department of rehabilitation and correction place the 2612
offender in a program or prison of that nature unless the 2613
department determines as specified in section 5120.031 or 2614
5120.032 of the Revised Code, whichever is applicable, that the 2615
offender is eligible for the placement. 2616

If the court disapproves placement of the offender in a 2617
program or prison of that nature, the department of 2618
rehabilitation and correction shall not place the offender in 2619
any program of shock incarceration or intensive program prison. 2620

If the court recommends placement of the offender in a 2621
program of shock incarceration or in an intensive program 2622
prison, and if the offender is subsequently placed in the 2623
recommended program or prison, the department shall notify the 2624
court of the placement and shall include with the notice a brief 2625
description of the placement. 2626

If the court recommends placement of the offender in a 2627
program of shock incarceration or in an intensive program prison 2628
and the department does not subsequently place the offender in 2629
the recommended program or prison, the department shall send a 2630
notice to the court indicating why the offender was not placed 2631

in the recommended program or prison. 2632

If the court does not make a recommendation under this 2633
division with respect to an offender and if the department 2634
determines as specified in section 5120.031 or 5120.032 of the 2635
Revised Code, whichever is applicable, that the offender is 2636
eligible for placement in a program or prison of that nature, 2637
the department shall screen the offender and determine if there 2638
is an available program of shock incarceration or an intensive 2639
program prison for which the offender is suited. If there is an 2640
available program of shock incarceration or an intensive program 2641
prison for which the offender is suited, the department shall 2642
notify the court of the proposed placement of the offender as 2643
specified in section 5120.031 or 5120.032 of the Revised Code 2644
and shall include with the notice a brief description of the 2645
placement. The court shall have ten days from receipt of the 2646
notice to disapprove the placement. 2647

(J) If a person is convicted of or pleads guilty to 2648
aggravated vehicular homicide in violation of division (A) (1) of 2649
section 2903.06 of the Revised Code and division (B) (2) (c) or 2650
(d) of that section applies, the person shall be sentenced 2651
pursuant to section 2929.142 of the Revised Code. 2652

(K) (1) The court shall impose an additional mandatory 2653
prison term of two, three, four, five, six, seven, eight, nine, 2654
ten, or eleven years on an offender who is convicted of or 2655
pleads guilty to a violent felony offense if the offender also 2656
is convicted of or pleads guilty to a specification of the type 2657
described in section 2941.1424 of the Revised Code that charges 2658
that the offender is a violent career criminal and had a firearm 2659
on or about the offender's person or under the offender's 2660
control while committing the presently charged violent felony 2661

offense and displayed or brandished the firearm, indicated that 2662
the offender possessed a firearm, or used the firearm to 2663
facilitate the offense. The offender shall serve the prison term 2664
imposed under this division consecutively to and prior to the 2665
prison term imposed for the underlying offense. The prison term 2666
shall not be reduced pursuant to section 2929.20, division (A) 2667
(2) or (3) of section 2967.193 or 2967.194, or any other 2668
provision of Chapter 2967. or 5120. of the Revised Code. A court 2669
may not impose more than one sentence under division (B) (2) (a) 2670
of this section and this division for acts committed as part of 2671
the same act or transaction. 2672

(2) As used in division (K) (1) of this section, "violent 2673
career criminal" and "violent felony offense" have the same 2674
meanings as in section 2923.132 of the Revised Code. 2675

(L) If an offender receives or received a sentence of life 2676
imprisonment without parole, a sentence of life imprisonment, a 2677
definite sentence, or a sentence to an indefinite prison term 2678
under this chapter for a felony offense that was committed when 2679
the offender was under eighteen years of age, the offender's 2680
parole eligibility shall be determined under section 2967.132 of 2681
the Revised Code. 2682

Sec. 2929.142. ~~(A)~~ Notwithstanding the definite prison 2683
terms and minimum prison terms specified in divisions (A) (1) (a) 2684
and (b) of section 2929.14 of the Revised Code for a felony of 2685
the first degree, if all of the following apply: 2686

(A) If an offender is convicted of or pleads guilty to 2687
aggravated vehicular homicide in violation of division (A) (1) of 2688
section 2903.06 of the Revised Code and division (B) (2) (c) of 2689
that section applies, the court shall impose upon the offender 2690
as the minimum prison term for the offense under division (A) (1) 2691

~~(a) of section 2929.14 of the Revised Code a mandatory prison term of five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, or fifteen years, determined as specified in division (B) of this section, if any of the following apply:~~ 2692-2695

~~(1) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.~~ 2696-2699

~~(2) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) of section 1547.11 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.~~ 2700-2703

~~(3) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (3) of section 4561.15 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ten years.~~ 2704-2707

~~(4) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (1) of section 2903.06 of the Revised Code.~~ 2708-2710

~~(5) The offender previously has been convicted of or pleaded guilty to three or more prior violations of division (A) (1) of section 2903.08 of the Revised Code.~~ 2711-2713

~~(6) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 2903.04 of the Revised Code in circumstances in which division (D) of that section applied regarding the violations.~~ 2714-2717

~~(7) The offender previously has been convicted of or pleaded guilty to three or more violations of any combination of the offenses listed in division (A) (1), (2), (3), (4), (5), or~~ 2718-2720

~~(6) of this section.~~ 2721

~~(8) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.~~ 2722
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~~(B) The mandatory prison term required under division (A)
of this section shall be a definite term of ten, eleven, twelve,
thirteen, fourteen, or fifteen years, except that if the
aggravated vehicular homicide is committed on or after March 22,
2019, the court shall impose as the minimum prison term for the
offense under division (A)(1)(a) of section 2929.14 of the
Revised Code a mandatory prison term that is ten, eleven,
twelve, thirteen, fourteen, or fifteen years.~~ 2725
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If an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code and division (B)(2)(d) of that section applies, the court shall impose upon the offender as the minimum prison term for the offense under division (A)(1)(a) of section 2929.14 of the Revised Code a mandatory prison term that is twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, or twenty years.

Sec. 3701.143. (A) As used in this section, "drug of abuse" has the same meaning as in section 4506.01 of the Revised Code. 2741
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(B) For purposes of sections 1547.11, 4511.19, and 4511.194 of the Revised Code, the director of health shall determine, or cause to be determined, techniques or methods for chemically analyzing a person's whole blood, blood serum or plasma, urine, breath, oral fluid, or other bodily substance in order to ascertain the presence or amount of alcohol, a drug of abuse, controlled substance, metabolite of a controlled 2744
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substance, or combination of them in the person's whole blood, 2751
blood serum or plasma, urine, breath, oral fluid, or other 2752
bodily substance. The director shall approve satisfactory 2753
techniques or methods, ascertain the qualifications of 2754
individuals to conduct such analyses, and issue permits to 2755
qualified persons authorizing them to perform such analyses. 2756
Such permits shall be subject to termination or revocation at 2757
the discretion of the director. 2758

~~As used in this section, "drug of abuse" has the same~~ 2759
~~meaning as in section 4506.01 of the Revised Code.~~ 2760

Sec. 4503.234. (A) If a court orders the criminal 2761
forfeiture of a vehicle pursuant to section 4503.233, 4503.236, 2762
4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 4511.193, or 2763
4511.203 of the Revised Code, the order shall be issued and 2764
enforced in accordance with this division, subject to division 2765
(B) of this section. An order of criminal forfeiture issued 2766
under this division shall authorize an appropriate law 2767
enforcement agency to seize the vehicle ordered criminally 2768
forfeited upon the terms and conditions that the court 2769
determines proper. No vehicle ordered criminally forfeited 2770
pursuant to this division shall be considered contraband for 2771
purposes of Chapter 2981. of the Revised Code, but the law 2772
enforcement agency that employs the officer who seized it shall 2773
hold the vehicle for disposal in accordance with this section. A 2774
forfeiture order may be issued only after the offender has been 2775
provided with an opportunity to be heard. The prosecuting 2776
attorney shall give the offender written notice of the 2777
possibility of forfeiture by sending a copy of the relevant 2778
uniform traffic ticket or other written notice to the offender 2779
not less than seven days prior to the date of issuance of the 2780
forfeiture order. A vehicle is subject to an order of criminal 2781

forfeiture pursuant to this division upon the conviction of the 2782
offender of or plea of guilty by the offender to a violation of 2783
division (A) of section 4503.236, section 4510.11, 4510.14, or 2784
4511.203, or division (A) of section 4511.19 of the Revised 2785
Code, or a municipal ordinance that is substantially equivalent 2786
to any of those sections or divisions. 2787

(B) (1) Prior to the issuance of an order of criminal 2788
forfeiture pursuant to this section, the law enforcement agency 2789
that employs the law enforcement officer who seized the vehicle 2790
shall conduct or cause to be conducted a search of the 2791
appropriate public records that relate to the vehicle and shall 2792
make or cause to be made reasonably diligent inquiries to 2793
identify any lienholder or any person or entity with an 2794
ownership interest in the vehicle. The court that is to issue 2795
the forfeiture order also shall cause a notice of the potential 2796
order relative to the vehicle and of the expected manner of 2797
disposition of the vehicle after its forfeiture to be sent to 2798
any lienholder or person who is known to the court to have any 2799
right, title, or interest in the vehicle. The court shall give 2800
the notice by certified mail, return receipt requested, or by 2801
personal service. 2802

(2) No order of criminal forfeiture shall be issued 2803
pursuant to this section if a lienholder or other person with an 2804
ownership interest in the vehicle establishes to the court, by a 2805
preponderance of the evidence after filing a motion with the 2806
court, that the lienholder or other person neither knew nor 2807
should have known after a reasonable inquiry that the vehicle 2808
would be used or involved, or likely would be used or involved, 2809
in the violation resulting in the issuance of the order of 2810
criminal forfeiture or the violation of the order of 2811
immobilization issued under section 4503.233 of the Revised 2812

Code, that the lienholder or other person did not expressly or 2813
impliedly consent to the use or involvement of the vehicle in 2814
that violation, and that the lien or ownership interest was 2815
perfected pursuant to law prior to the seizure of the vehicle 2816
under section 4503.236, 4510.41, 4511.195, or 4511.203 of the 2817
Revised Code. If the lienholder or holder of the ownership 2818
interest satisfies the court that these criteria have been met, 2819
the court shall preserve the lienholder's or other person's lien 2820
or interest, and the court either shall return the vehicle to 2821
the holder, or shall order that the proceeds of any sale held 2822
pursuant to division (C) (2) of this section be paid to the 2823
lienholder or holder of the interest less the costs of seizure, 2824
storage, and maintenance of the vehicle. The court shall not 2825
return a vehicle to a lienholder or a holder of an ownership 2826
interest unless the lienholder or holder submits an affidavit to 2827
the court that states that the lienholder or holder will not 2828
return the vehicle to the person from whom the vehicle was 2829
seized pursuant to the order of criminal forfeiture or to any 2830
member of that person's family and will not otherwise knowingly 2831
permit that person or any member of that person's family to 2832
obtain possession of the vehicle. 2833

(3) No order of criminal forfeiture shall be issued 2834
pursuant to this section if a person with an interest in the 2835
vehicle establishes to the court, by a preponderance of the 2836
evidence after filing a motion with the court, that the person 2837
neither knew nor should have known after a reasonable inquiry 2838
that the vehicle had been used or was involved in the violation 2839
resulting in the issuance of the order of criminal forfeiture or 2840
the violation of the order of immobilization issued under 2841
section 4503.233 of the Revised Code, that the person did not 2842
expressly or impliedly consent to the use or involvement of the 2843

vehicle in that violation, that the interest was perfected in 2844
good faith and for value pursuant to law between the time of the 2845
arrest of the offender and the final disposition of the criminal 2846
charge in question, and that the vehicle was in the possession 2847
of the interest holder at the time of the perfection of the 2848
interest. If the court is satisfied that the interest holder has 2849
met these criteria, the court shall preserve the interest 2850
holder's interest, and the court either shall return the vehicle 2851
to the interest holder or order that the proceeds of any sale 2852
held pursuant to division (C) of this section be paid to the 2853
holder of the interest less the costs of seizure, storage, and 2854
maintenance of the vehicle. The court shall not return a vehicle 2855
to an interest holder unless the holder submits an affidavit to 2856
the court stating that the holder will not return the vehicle to 2857
the person from whom the holder acquired the holder's interest, 2858
nor to any member of that person's family, and the holder will 2859
not otherwise knowingly permit that person or any member of that 2860
person's family to obtain possession of the vehicle. 2861

(C) A vehicle ordered criminally forfeited to the state 2862
pursuant to this section shall be disposed of as follows: 2863

(1) It shall be given to the law enforcement agency that 2864
employs the law enforcement officer who seized the vehicle, if 2865
that agency desires to have it; 2866

(2) If a vehicle is not disposed of pursuant to division 2867
(C) (1) of this section, the vehicle shall be sold, without 2868
appraisal, if the value of the vehicle is two thousand dollars 2869
or more as determined by publications of the national auto 2870
dealer's association, at a public auction to the highest bidder 2871
for cash. Prior to the sale, the prosecuting attorney in the 2872
case shall cause a notice of the proposed sale to be given in 2873

accordance with law. The court shall cause notice of the sale of 2874
the vehicle to be published in a newspaper of general 2875
circulation in the county in which the court is located at least 2876
seven days prior to the date of the sale. The proceeds of a sale 2877
under this division or division (F) of this section shall be 2878
applied in the following order: 2879

(a) First, they shall be applied to the payment of the 2880
costs incurred in connection with the seizure, storage, and 2881
maintenance of, and provision of security for, the vehicle, any 2882
proceeding arising out of the forfeiture, and if any, the sale. 2883

(b) Second, the remaining proceeds after compliance with 2884
division (C) (2) (a) of this section, shall be applied to the 2885
payment of the value of any lien or ownership interest in the 2886
vehicle preserved under division (B) of this section. 2887

(c) Third, the remaining proceeds, after compliance with 2888
divisions (C) (2) (a) and (b) of this section, shall be applied to 2889
the appropriate funds in accordance with divisions (B) and (C) 2890
of section 2981.13 of the Revised Code, provided that the total 2891
of the amount so deposited under this division shall not exceed 2892
one thousand dollars. The remaining proceeds deposited under 2893
this division shall be used only for the purposes authorized by 2894
those divisions and division (D) of that section. 2895

(d) Fourth, the remaining proceeds after compliance with 2896
divisions (C) (2) (a) and (b) of this section and after deposit of 2897
a total amount of one thousand dollars under division (C) (2) (c) 2898
of this section shall be applied so that fifty per cent of those 2899
remaining proceeds is paid into the reparation fund established 2900
by section 2743.191 of the Revised Code, twenty-five per cent is 2901
paid into the drug abuse resistance education programs fund 2902
created by division ~~(F) (2) (e)~~ (F) (2) (d) of section 4511.191 of 2903

the Revised Code and shall be used only for the purposes 2904
authorized by division ~~(F) (2) (e)~~ (F) (2) (d) of that section, and 2905
twenty-five per cent is applied to the appropriate funds in 2906
accordance with divisions (B) and (C) of section 2981.13 of the 2907
Revised Code. The proceeds deposited into any fund described in 2908
section 2981.13 of the Revised Code shall be used only for the 2909
purposes authorized by divisions (B) (4) (c), (C), and (D) of that 2910
section. 2911

(D) Except as provided in division (E) of section 4511.203 2912
of the Revised Code and notwithstanding any other provision of 2913
law, neither the registrar of motor vehicles nor any deputy 2914
registrar shall accept an application for the registration of 2915
any motor vehicle in the name of any person, or register any 2916
motor vehicle in the name of any person, if both of the 2917
following apply: 2918

(1) Any vehicle registered in the person's name was 2919
criminally forfeited under this section and section 4503.233, 2920
4503.236, 4510.10, 4510.11, 4510.14, 4510.41, 4511.19, 4511.193, 2921
or 4511.203 of the Revised Code; 2922

(2) Less than five years have expired since the issuance 2923
of the most recent order of criminal forfeiture issued in 2924
relation to a vehicle registered in the person's name. 2925

(E) If a court orders the criminal forfeiture to the state 2926
of a vehicle pursuant to section 4503.233, 4503.236, 4510.10, 2927
4510.11, 4510.14, 4510.161, 4510.41, 4511.19, 4511.193, or 2928
4511.203 of the Revised Code, the title to the motor vehicle is 2929
assigned or transferred, and division (B) (2) or (3) of this 2930
section applies, in addition to or independent of any other 2931
penalty established by law, the court may fine the offender the 2932
value of the vehicle as determined by publications of the 2933

national auto dealer's association. The proceeds from any fine 2934
imposed under this division shall be distributed in accordance 2935
with division (C) (2) of this section. 2936

(F) As used in this section and divisions (B) (4) (c), (C), 2937
and (D) of section 2981.13 of the Revised Code in relation to 2938
proceeds of the sale of a vehicle under division (C) of this 2939
section, "prosecuting attorney" includes the prosecuting 2940
attorney, village solicitor, city director of law, or similar 2941
chief legal officer of a municipal corporation who prosecutes 2942
the case resulting in the conviction or guilty plea in question. 2943

(G) If the vehicle to be forfeited has an average retail 2944
value of less than two thousand dollars as determined by 2945
publications of the national auto dealer's association, no 2946
public auction is required to be held. In such a case, the court 2947
may direct that the vehicle be disposed of in any manner that it 2948
considers appropriate, including assignment of the certificate 2949
of title to the motor vehicle to a salvage dealer or a scrap 2950
metal processing facility. The court shall not transfer the 2951
vehicle to the person who is the vehicle's immediate previous 2952
owner. 2953

If the court assigns the motor vehicle to a salvage dealer 2954
or scrap metal processing facility and the court is in 2955
possession of the certificate of title to the motor vehicle, it 2956
shall send the assigned certificate of title to the motor 2957
vehicle to the clerk of the court of common pleas of the county 2958
in which the salvage dealer or scrap metal processing facility 2959
is located. The court shall mark the face of the certificate of 2960
title with the words "FOR DESTRUCTION" and shall deliver a 2961
photocopy of the certificate of title to the salvage dealer or 2962
scrap metal processing facility for its records. 2963

If the court is not in possession of the certificate of title to the motor vehicle, the court shall issue an order transferring ownership of the motor vehicle to a salvage dealer or scrap metal processing facility, send the order to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located, and send a photocopy of the order to the salvage dealer or scrap metal processing facility for its records. The clerk shall make the proper notations or entries in the clerk's records concerning the disposition of the motor vehicle.

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

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

(2) The court determines that the family or household member who files the motion is completely dependent on the

vehicle for the necessities of life and that the immobilization 2994
of the vehicle would be an undue hardship to the family or 2995
household member. 2996

(B) If a court pursuant to division (A) of this section 2997
determines not to order the immobilization of a vehicle that 2998
otherwise would be required pursuant to division (G) of section 2999
4511.19 or division (C) of section 4511.193 of the Revised Code, 3000
the court shall issue an order that waives the immobilization 3001
that otherwise would be required pursuant to either of those 3002
divisions. The immobilization waiver order shall be in effect 3003
for the period of time for which the immobilization of the 3004
vehicle otherwise would have been required under division (G) of 3005
section 4511.19 or division (C) of section 4511.193 of the 3006
Revised Code if the immobilization waiver order had not been 3007
issued, subject to division (D) of this section. The 3008
immobilization waiver order shall specify the period of time for 3009
which it is in effect. The court shall provide a copy of an 3010
immobilization waiver order to the offender and to the family or 3011
household member of the offender who filed the motion requesting 3012
that the immobilization order not be issued and shall place a 3013
copy of the immobilization waiver order in the record in the 3014
case. The court shall impose an immobilization waiver fee in the 3015
amount of fifty dollars. The court shall determine whether the 3016
fee is to be paid by the offender or by the family or household 3017
member. The clerk of the court shall deposit all of the fees 3018
collected during a month on or before the twenty-third day of 3019
the following month into the county or municipal indigent 3020
drivers alcohol treatment fund under the control of that court, 3021
as created by the county or municipal corporation under division 3022
~~(F)~~(H) of section 4511.191 of the Revised Code. 3023

(C) If a court pursuant to division (B) of this section 3024

issues an immobilization waiver order, the order shall identify 3025
the family or household member who requested the order and the 3026
vehicle to which the order applies, shall identify the family or 3027
household members who are permitted to operate the vehicle, and 3028
shall identify the offender and specify that the offender is not 3029
permitted to operate the vehicle. The immobilization waiver 3030
order shall require that the family or household member display 3031
on the vehicle to which the order applies restricted license 3032
plates that are issued under section 4503.231 of the Revised 3033
Code for the entire period for which the immobilization of the 3034
vehicle otherwise would have been required under division (G) of 3035
section 4511.19 or division (C) of section 4511.193 of the 3036
Revised Code if the immobilization waiver order had not been 3037
issued. 3038

(D) A family or household member who is permitted to 3039
operate a vehicle under an immobilization waiver order issued 3040
under this section shall not permit the offender to operate the 3041
vehicle. If a family or household member who is permitted to 3042
operate a vehicle under an immobilization waiver order issued 3043
under this section permits the offender to operate the vehicle, 3044
both of the following apply: 3045

(1) The court that issued the immobilization waiver order 3046
shall terminate that order and shall issue an immobilization 3047
order in accordance with section 4503.233 of the Revised Code 3048
that applies to the vehicle, and the immobilization order shall 3049
be in effect for the remaining period of time for which the 3050
immobilization of the vehicle otherwise would have been required 3051
under division (G) of section 4511.19 or division (C) of section 3052
4511.193 of the Revised Code if the immobilization waiver order 3053
had not been issued. 3054

(2) The conduct of the family or household member in 3055
permitting the offender to operate the vehicle is a violation of 3056
section 4511.203 of the Revised Code. 3057

(E) No offender shall operate a motor vehicle subject to 3058
an immobilization waiver order. Whoever violates this division 3059
is guilty of operating a motor vehicle in violation of an 3060
immobilization waiver, a misdemeanor of the first degree. 3061

(F) "Family or household member" has the same meaning as 3062
in section 2919.25 of the Revised Code, except that the person 3063
must be currently residing with the offender. 3064

Sec. 4506.17. (A) Both of the following are deemed to have 3065
given consent to a test or tests of the person's whole blood, 3066
blood serum or plasma, breath, oral fluid, or urine for the 3067
purpose of determining the person's alcohol concentration or the 3068
presence of any controlled substance or a metabolite of a 3069
controlled substance: 3070

(1) A person while operating a commercial motor vehicle 3071
that requires a commercial driver's license or commercial 3072
driver's license temporary instruction permit; 3073

(2) A person who holds a commercial driver's license or 3074
commercial driver's license temporary instruction permit while 3075
operating a motor vehicle, including a commercial motor vehicle. 3076

(B) A test or tests as provided in division (A) of this 3077
section may be administered at the direction of a peace officer 3078
having reasonable ground to stop or detain the person and, after 3079
investigating the circumstances surrounding the operation of the 3080
motor vehicle, also having reasonable ground to believe the 3081
person was driving the motor vehicle while having a measurable 3082
or detectable amount of alcohol or of a controlled substance or 3083

a metabolite of a controlled substance in the person's whole 3084
blood, blood serum or plasma, breath, oral fluid, or urine. Any 3085
such test shall be given within two hours of the time of the 3086
alleged violation. 3087

(C) A person requested by a peace officer to submit to a 3088
test under division (A) of this section shall be advised by the 3089
peace officer that a refusal to submit to the test will result 3090
in the person immediately being placed out-of-service for a 3091
period of twenty-four hours and being disqualified from 3092
operating a commercial motor vehicle for a period of not less 3093
than one year, and that the person is required to surrender the 3094
person's commercial driver's license or permit to the peace 3095
officer. 3096

(D) If a person refuses to submit to a test after being 3097
warned as provided in division (C) of this section or submits to 3098
a test that discloses the presence of an amount of alcohol or a 3099
controlled substance prohibited by divisions (A)(1) to (6) of 3100
section 4506.15 of the Revised Code or a metabolite of a 3101
controlled substance, the person immediately shall surrender the 3102
person's commercial driver's license or permit to the peace 3103
officer. The peace officer shall forward the license or permit, 3104
together with a sworn report, to the registrar of motor vehicles 3105
certifying that the test was requested pursuant to division (A) 3106
of this section and that the person either refused to submit to 3107
testing or submitted to a test that disclosed the presence of 3108
one of the prohibited concentrations of a substance listed in 3109
divisions (A)(1) to (6) of section 4506.15 of the Revised Code 3110
or a metabolite of a controlled substance. The form and contents 3111
of the report required by this section shall be established by 3112
the registrar by rule, but shall contain the advice to be read 3113
to the driver and a statement to be signed by the driver 3114

acknowledging that the driver has been read the advice and that 3115
the form was shown to the driver. 3116

(E) Upon receipt of a sworn report from a peace officer as 3117
provided in division (D) of this section, or upon receipt of 3118
notification that a person has been disqualified under a similar 3119
law of another state or foreign jurisdiction, the registrar 3120
shall disqualify the person named in the report from driving a 3121
commercial motor vehicle for the period described below: 3122

(1) Upon a first incident, one year; 3123

(2) Upon an incident of refusal or of a prohibited 3124
concentration of alcohol, a controlled substance, or a 3125
metabolite of a controlled substance after one or more previous 3126
incidents of either refusal or of a prohibited concentration of 3127
alcohol, a controlled substance, or a metabolite of a controlled 3128
substance, the person shall be disqualified for life or such 3129
lesser period as prescribed by rule by the registrar. 3130

(F) A test of a person's whole blood or a person's blood 3131
serum or plasma given under this section shall comply with the 3132
applicable provisions of division (D) of section 4511.19 of the 3133
Revised Code and any physician, registered nurse, emergency 3134
medical technician-intermediate, emergency medical technician- 3135
paramedic, or qualified technician, chemist, or phlebotomist who 3136
withdraws whole blood or blood serum or plasma from a person 3137
under this section, and any hospital, first-aid station, clinic, 3138
or other facility at which whole blood or blood serum or plasma 3139
is withdrawn from a person pursuant to this section, is immune 3140
from criminal liability, and from civil liability that is based 3141
upon a claim of assault and battery or based upon any other 3142
claim of malpractice, for any act performed in withdrawing whole 3143
blood or blood serum or plasma from the person. The immunity 3144

provided in this division also extends to an emergency medical 3145
service organization that employs an emergency medical 3146
technician-intermediate or emergency medical technician- 3147
paramedic who withdraws blood under this section. 3148

(G) When a person submits to a test under this section, 3149
the results of the test, at the person's request, shall be made 3150
available to the person, the person's attorney, or the person's 3151
agent, immediately upon completion of the chemical test 3152
analysis. The person also may have an additional test 3153
administered by a physician, a registered nurse, or a qualified 3154
technician, chemist, or phlebotomist of the person's own 3155
choosing as provided in division (D) of section 4511.19 of the 3156
Revised Code for tests administered under that section, and the 3157
failure to obtain such a test has the same effect as in that 3158
division. 3159

(H) No person shall refuse to immediately surrender the 3160
person's commercial driver's license or permit to a peace 3161
officer when required to do so by this section. 3162

(I) A peace officer issuing an out-of-service order or 3163
receiving a commercial driver's license or permit surrendered 3164
under this section may remove or arrange for the removal of any 3165
commercial motor vehicle affected by the issuance of that order 3166
or the surrender of that license. 3167

(J) (1) Except for civil actions arising out of the 3168
operation of a motor vehicle and civil actions in which the 3169
state is a plaintiff, no peace officer of any law enforcement 3170
agency within this state is liable in compensatory damages in 3171
any civil action that arises under the Revised Code or common 3172
law of this state for an injury, death, or loss to person or 3173
property caused in the performance of official duties under this 3174

section and rules adopted under this section, unless the 3175
officer's actions were manifestly outside the scope of the 3176
officer's employment or official responsibilities, or unless the 3177
officer acted with malicious purpose, in bad faith, or in a 3178
wanton or reckless manner. 3179

(2) Except for civil actions that arise out of the 3180
operation of a motor vehicle and civil actions in which the 3181
state is a plaintiff, no peace officer of any law enforcement 3182
agency within this state is liable in punitive or exemplary 3183
damages in any civil action that arises under the Revised Code 3184
or common law of this state for any injury, death, or loss to 3185
person or property caused in the performance of official duties 3186
under this section of the Revised Code and rules adopted under 3187
this section, unless the officer's actions were manifestly 3188
outside the scope of the officer's employment or official 3189
responsibilities, or unless the officer acted with malicious 3190
purpose, in bad faith, or in a wanton or reckless manner. 3191

(K) When disqualifying a driver, the registrar shall cause 3192
the records of the bureau of motor vehicles to be updated to 3193
reflect the disqualification within ten days after it occurs. 3194

(L) The registrar immediately shall notify a driver who is 3195
subject to disqualification of the disqualification, of the 3196
length of the disqualification, and that the driver may request 3197
a hearing within thirty days of the mailing of the notice to 3198
show cause why the driver should not be disqualified from 3199
operating a commercial motor vehicle. If a request for such a 3200
hearing is not made within thirty days of the mailing of the 3201
notice, the order of disqualification is final. The registrar 3202
may designate hearing examiners who, after affording all parties 3203
reasonable notice, shall conduct a hearing to determine whether 3204

the disqualification order is supported by reliable evidence. 3205
The registrar shall adopt rules to implement this division. 3206

(M) Any person who is disqualified from operating a 3207
commercial motor vehicle under this section may apply to the 3208
registrar for a driver's license to operate a motor vehicle 3209
other than a commercial motor vehicle, provided the person's 3210
commercial driver's license or permit is not otherwise 3211
suspended. A person whose commercial driver's license or permit 3212
is suspended shall not apply to the registrar for or receive a 3213
driver's license under Chapter 4507. of the Revised Code during 3214
the period of suspension. 3215

(N) Whoever violates division (H) of this section is 3216
guilty of a misdemeanor of the first degree. 3217

(O) As used in this section, "emergency medical 3218
technician-intermediate" and "emergency medical technician- 3219
paramedic" have the same meanings as in section 4765.01 of the 3220
Revised Code. 3221

Sec. 4510.13. (A) (1) Divisions (A) (2) to (9) of this 3222
section apply to a judge or mayor regarding the suspension of, 3223
or the grant of limited driving privileges during a suspension 3224
of, an offender's driver's or commercial driver's license or 3225
permit or nonresident operating privilege imposed under division 3226
(G) or (H) of section 4511.19 of the Revised Code, under 3227
division (B) or (C) of section 4511.191 of the Revised Code, or 3228
under section 4510.07 of the Revised Code for a conviction of a 3229
violation of a municipal OVI ordinance. 3230

(2) No judge or mayor shall suspend the following portions 3231
of the suspension of an offender's driver's or commercial 3232
driver's license or permit or nonresident operating privilege 3233

imposed under division (G) or (H) of section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, provided that division (A) (2) of this section does not limit a court or mayor in crediting any period of suspension imposed pursuant to division (B) or (C) of section 4511.191 of the Revised Code against any time of judicial suspension imposed pursuant to section 4511.19 or 4510.07 of the Revised Code, as described in divisions (B) (2) and (C) (2) of section 4511.191 of the Revised Code:

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

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

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

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

(3) ~~No~~ Except as provided under division (A) (5) of this section, no judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's

license or permit or nonresident operating privilege has been 3263
suspended under division (G) or (H) of section 4511.19 of the 3264
Revised Code, under division (C) of section 4511.191 of the 3265
Revised Code, or under section 4510.07 of the Revised Code for a 3266
municipal OVI conviction if the offender, within the preceding 3267
ten years, has been convicted of or pleaded guilty to three or 3268
more violations of ~~one or more of the Revised Code sections,~~ 3269
~~municipal ordinances, statutes of the United States or another~~ 3270
~~state, or municipal ordinances of a municipal corporation of~~ 3271
~~another state that are identified in divisions (G) (2) (b) to (h)~~ 3272
~~of an equivalent offense, as defined in section 2919.22-4511.181~~ 3273
of the Revised Code. 3274

Additionally, except as provided under division (A) (6) of 3275
this section, no judge or mayor shall grant limited driving 3276
privileges to an offender whose driver's or commercial driver's 3277
license or permit or nonresident operating privilege has been 3278
suspended under division (B) of section 4511.191 of the Revised 3279
Code if the offender, within the preceding ten years, has 3280
refused three previous requests to consent to a chemical test of 3281
the person's whole blood, blood serum or plasma, breath, or 3282
urine to determine its alcohol content. 3283

(4) No judge or mayor shall grant limited driving 3284
privileges for employment as a driver of commercial motor 3285
vehicles to an offender whose driver's or commercial driver's 3286
license or permit or nonresident operating privilege has been 3287
suspended under division (G) or (H) of section 4511.19 of the 3288
Revised Code, under division (B) or (C) of section 4511.191 of 3289
the Revised Code, or under section 4510.07 of the Revised Code 3290
for a municipal OVI conviction if the offender is disqualified 3291
from operating a commercial motor vehicle, or whose license or 3292
permit has been suspended, under section 3123.58 or 4506.16 of 3293

the Revised Code. 3294

(5) No judge or mayor shall grant limited driving 3295
privileges to an offender whose driver's or commercial driver's 3296
license or permit or nonresident operating privilege has been 3297
suspended under division (G) or (H) of section 4511.19 of the 3298
Revised Code, under division (C) of section 4511.191 of the 3299
Revised Code, or under section 4510.07 of the Revised Code for a 3300
conviction of a violation of a municipal OVI ordinance during 3301
any of the following periods of time: 3302

~~(a) The~~ (a) (i) Except as otherwise provided in this 3303
division and in division (A) (5) (a) (ii) of this section, the 3304
first fifteen days of a suspension imposed under division (G) (1) 3305
(a) of section 4511.19 of the Revised Code or a comparable 3306
length suspension imposed under section 4510.07 of the Revised 3307
Code, or of a suspension imposed under division (C) (1) (a) of 3308
section 4511.191 of the Revised Code. On or after the sixteenth 3309
day of the suspension, the court may grant limited driving 3310
privileges, but the court may require that the offender shall 3311
not exercise the privileges unless the vehicles the offender 3312
operates are equipped with ~~immobilizing or disabling devices~~ 3313
~~that monitor the offender's alcohol consumption or any other~~ 3314
~~type of immobilizing or disabling devices~~ a certified ignition 3315
interlock device, except as provided in division (C) of section 3316
4510.43 of the Revised Code. 3317

The court may waive the fifteen-day period and grant 3318
limited driving privileges immediately if the offender has never 3319
been convicted of or pleaded guilty to a violation of section 3320
4511.194 of the Revised Code and the offender submitted to any 3321
chemical test requested by law enforcement at the time of the 3322
offender's arrest for the current underlying violation. 3323

(ii) If the offender has, within ten years of the current offense, been convicted of or pleaded guilty to a violation of section 4511.194 of the Revised Code, the first forty-five days of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code, or of a suspension imposed under division (C)(1)(a) of section 4511.191 of the Revised Code. On or after the forty-sixth day of the suspension, the court may grant limited driving privileges, but the court shall require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device, except as provided in division (C) of section 4510.43 of the Revised Code.

(b) The first forty-five days of a suspension imposed under division (C)(1)(b) of section 4511.191 of the Revised Code. On or after the forty-sixth day of suspension, the court may grant limited driving privileges, ~~but~~ and either of the following applies:

(i) If the underlying arrest is alcohol-related, the court may require that shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with immobilizing or disabling devices that monitor the offender's alcohol consumption or any other type of immobilizing or disabling devices a certified ignition interlock device.

(ii) If the underlying arrest is drug related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the

remainder of the period of suspension the offender shall not 3354
exercise the privileges unless the vehicles the offender 3355
operates are equipped with a certified ignition interlock 3356
device. 3357

(c) The first sixty days of a suspension imposed under 3358
division (H) of section 4511.19 of the Revised Code or a 3359
comparable length suspension imposed under section 4510.07 of 3360
the Revised Code. 3361

(d) The first one hundred eighty days of a suspension 3362
imposed under division (C) (1) (c) of section 4511.191 of the 3363
Revised Code. On or after the one hundred eighty-first day of 3364
suspension, the court may grant limited driving privileges, and 3365
either of the following applies: 3366

(i) If the underlying arrest is alcohol-related, the court 3367
shall issue an order that, except as provided in division (C) of 3368
section 4510.43 of the Revised Code, for the remainder of the 3369
period of suspension the offender shall not exercise the 3370
privileges unless the vehicles the offender operates are 3371
equipped with a certified ignition interlock device. 3372

(ii) If the underlying arrest is drug-related, the court 3373
in its discretion may issue an order that, except as provided in 3374
division (C) of section 4510.43 of the Revised Code, for the 3375
remainder of the period of suspension the offender shall not 3376
exercise the privileges unless the vehicles the offender 3377
operates are equipped with a certified ignition interlock 3378
device. 3379

(e) The first forty-five days of a suspension imposed 3380
under division (G) (1) (b) of section 4511.19 of the Revised Code 3381
or a comparable length suspension imposed under section 4510.07 3382

of the Revised Code. On or after the forty-sixth day of the 3383
suspension, the court may grant limited driving privileges, and 3384
either of the following applies: 3385

(i) If the underlying conviction is alcohol-related, the 3386
court shall issue an order that, except as provided in division 3387
(C) of section 4510.43 of the Revised Code, for the remainder of 3388
the period of suspension the offender shall not exercise the 3389
privileges unless the vehicles the offender operates are 3390
equipped with a certified ignition interlock device. 3391

(ii) If the underlying conviction is drug-related, the 3392
court in its discretion may issue an order that, except as 3393
provided in division (C) of section 4510.43 of the Revised Code, 3394
for the remainder of the period of suspension the offender shall 3395
not exercise the privileges unless the vehicles the offender 3396
operates are equipped with a certified ignition interlock 3397
device. 3398

If a court grants limited driving privileges under 3399
division (A) (5) (e) of this section, the court may issue an order 3400
terminating an immobilization order issued pursuant to division 3401
(G) (1) (b) (v) of section 4511.19 of the Revised Code to take 3402
effect concurrently with the granting of limited driving 3403
privileges. The court shall send notice of the termination of 3404
the immobilization order to the registrar of motor vehicles. 3405

Upon receiving information that an offender violated any 3406
condition imposed by the court at the time an immobilization 3407
order was terminated under this section, the court may hold a 3408
hearing and, in its discretion, issue an order reinstating the 3409
immobilization order for the balance of the immobilization 3410
period that remained when the court originally ordered the 3411
termination of the immobilization order. The court may issue the 3412

order only upon a showing of good cause that the offender 3413
violated any condition imposed by the court. The court shall 3414
send notice of the reinstatement of the immobilization order to 3415
the registrar. 3416

(f) The first one hundred eighty days of a suspension 3417
imposed under division (G) (1) (c) of section 4511.19 of the 3418
Revised Code or a comparable length suspension imposed under 3419
section 4510.07 of the Revised Code. On or after the one hundred 3420
eighty-first day of the suspension, the court may grant limited 3421
driving privileges, and either of the following applies: 3422

(i) If the underlying conviction is alcohol-related, the 3423
court shall issue an order that, except as provided in division 3424
(C) of section 4510.43 of the Revised Code, for the remainder of 3425
the period of suspension the offender shall not exercise the 3426
privileges unless the vehicles the offender operates are 3427
equipped with a certified ignition interlock device. 3428

(ii) If the underlying conviction is drug-related, the 3429
court in its discretion may issue an order that, except as 3430
provided in division (C) of section 4510.43 of the Revised Code, 3431
for the remainder of the period of suspension the offender shall 3432
not exercise the privileges unless the vehicles the offender 3433
operates are equipped with a certified ignition interlock 3434
device. 3435

(g) The first three years of a suspension imposed under 3436
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 3437
or a comparable length suspension imposed under section 4510.07 3438
of the Revised Code, or of a suspension imposed under division 3439
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 3440
the first three years of suspension, the court may grant limited 3441
driving privileges, and either of the following applies: 3442

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

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

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

~~(a) The (a) (i) Except as otherwise provided in division (A) (6) (a) (ii) of this section, the first thirty days of suspension imposed under division (B) (1) (a) of section 4511.191 of the Revised Code.~~ On or after the thirty-first day of the suspension, the court may grant limited driving privileges, but the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device.

(ii) If the offender has, within ten years of the current

offense, been convicted of or pleaded guilty to a violation of 3473
section 4511.194 of the Revised Code, the first ninety days of a 3474
suspension imposed under division (B) (1) (a) of section 4511.191 3475
of the Revised Code. On or after the ninety-first day of the 3476
suspension, the court may grant limited driving privileges, but 3477
the court shall require that the offender shall not exercise the 3478
privileges unless the vehicles the offender operates are 3479
equipped with a certified ignition interlock device, except as 3480
provided in division (C) of section 4510.43 of the Revised Code. 3481

(b) The first ninety days of suspension imposed under 3482
division (B) (1) (b) of section 4511.191 of the Revised Code. 3483
On 3484
or after the ninety-first day of suspension, the court may grant 3484
limited driving privileges, and either of the following applies: 3485

(i) If the underlying arrest is alcohol-related, the court 3486
shall issue an order that, except as provided in division (C) of 3487
section 4510.43 of the Revised Code, for the remainder of the 3488
period of suspension the offender shall not exercise the 3489
privileges unless the vehicles the offender operates are 3490
equipped with a certified ignition interlock device. 3491

(ii) If the underlying arrest is drug-related, the court 3492
in its discretion may issue an order that, except as provided in 3493
division (C) of section 4510.43 of the Revised Code, for the 3494
remainder of the period of suspension the offender shall not 3495
exercise the privileges unless the vehicles the offender 3496
operates are equipped with a certified ignition interlock 3497
device. 3498

(c) The first year of suspension imposed under division 3499
(B) (1) (c) of section 4511.191 of the Revised Code. 3500
After the 3501
first year of suspension, the court may grant limited driving 3501
privileges, and either of the following applies: 3502

(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 3503
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(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 3509
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(d) The first three years of suspension imposed under division (B) (1) (d) of section 4511.191 of the Revised Code. 3516
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After the first three years of suspension, the court may grant limited driving privileges, and either of the following applies: 3518
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(i) If the underlying arrest is alcohol-related, the court shall issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 3520
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(ii) If the underlying arrest is drug-related, the court in its discretion may issue an order that, except as provided in division (C) of section 4510.43 of the Revised Code, for the remainder of the period of suspension the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with a certified ignition interlock device. 3526
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(7) In any case in which a judge or mayor grants limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) (1) (c), (d), or (e) of section 4511.19 of the Revised Code, under division (G) (1) (a) or (b) of section 4511.19 of the Revised Code for a violation of division (A) (1) (f), (g), (h), or (i) of that section, or under section 4510.07 of the Revised Code for a municipal OVI conviction for which sentence would have been imposed under division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) (c), (d), or (e) of section 4511.19 of the Revised Code had the offender been charged with and convicted of a violation of section 4511.19 of the Revised Code instead of a violation of the municipal OVI ordinance, the judge or mayor shall impose as a condition of the privileges that the offender must display on the vehicle that is driven subject to the privileges restricted license plates that are issued under section 4503.231 of the Revised Code, except as provided in division (B) of that section.

(8) In any case in which an offender is required by a court under this section to operate a motor vehicle that is equipped with a certified ignition interlock device and either the offender commits an ignition interlock device violation as defined under section 4510.46 of the Revised Code or the offender operates a motor vehicle that is not equipped with a certified ignition interlock device, the following applies:

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

monitoring that is remote for a minimum of forty days. On a 3564
third instance or more, the court shall require the offender to 3565
wear a monitor that provides continuous alcohol monitoring that 3566
is remote for a minimum of sixty days. 3567

(b) If the offender was sentenced under division (G) (1) 3568
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 3569
first instance the court shall require the offender to wear a 3570
monitor that provides continuous alcohol monitoring that is 3571
remote for a minimum of forty days. On a second instance or 3572
more, the court shall require the offender to wear a monitor 3573
that provides continuous alcohol monitoring that is remote for a 3574
minimum of sixty days. 3575

(c) The court may increase the period of suspension of the 3576
offender's driver's or commercial driver's license or permit or 3577
nonresident operating privilege from that originally imposed by 3578
the court by a factor of two and may increase the period of time 3579
during which the offender will be prohibited from exercising any 3580
limited driving privileges granted to the offender unless the 3581
vehicles the offender operates are equipped with a certified 3582
ignition interlock device by a factor of two. The limitation 3583
under division (E) of section 4510.46 of the Revised Code 3584
applies to an increase under division (A) (8) (c) of this section. 3585

(d) If the violation occurred within sixty days of the end 3586
of the suspension of the offender's driver's or commercial 3587
driver's license or permit or nonresident operating privilege 3588
and the court does not impose an increase in the period of the 3589
suspension under division (A) (8) (c) of this section, the court 3590
shall proceed as follows: 3591

(i) Issue an order extending the period of suspension and 3592
the grant of limited driving privileges with a required 3593

certified ignition interlock device so that the suspension 3594
terminates sixty days from the date the offender committed that 3595
violation. 3596

(ii) For each violation subsequent to a violation for 3597
which an extension was ordered under division (A) (8) (d) (i) of 3598
this section, issue an order extending the period of suspension 3599
and the grant of limited driving privileges with a required 3600
certified ignition interlock device so that the suspension 3601
terminates sixty days from the date the offender committed that 3602
violation. 3603

The registrar of motor vehicles is prohibited from 3604
reinstating an offender's license unless the applicable period 3605
of suspension has been served and no ignition interlock device 3606
violations have been committed within the sixty days prior to 3607
the application for reinstatement. 3608

(9) At the time the court issues an order under this 3609
section requiring an offender to use an ignition interlock 3610
device, the court shall provide notice to the offender of each 3611
action the court is authorized or required to take under 3612
division (A) (8) of this section if the offender circumvents or 3613
tamper with the device or in any case in which the court 3614
receives notice pursuant to section 4510.46 of the Revised Code 3615
that a device prevented an offender from starting a motor 3616
vehicle. 3617

(10) In any case in which the court issues an order under 3618
this section prohibiting an offender from exercising limited 3619
driving privileges unless the vehicles the offender operates are 3620
equipped with an immobilizing or disabling device, including a 3621
certified ignition interlock device, or requires an offender to 3622
wear a monitor that provides continuous alcohol monitoring that 3623

is remote, the court shall impose an additional court cost of 3624
two dollars and fifty cents upon the offender. The court shall 3625
not waive the payment of the two dollars and fifty cents unless 3626
the court determines that the offender is indigent and waives 3627
the payment of all court costs imposed upon the indigent 3628
offender. The clerk of court shall transmit one hundred per cent 3629
of this mandatory court cost collected during a month on or 3630
before the twenty-third day of the following month to the state 3631
treasury to be credited to the public safety - highway purposes 3632
fund created under section 4501.06 of the Revised Code, to be 3633
used by the department of public safety to cover costs 3634
associated with maintaining the habitual OVI/OMWI offender 3635
registry created under section 5502.10 of the Revised Code. In 3636
its discretion the court may impose an additional court cost of 3637
two dollars and fifty cents upon the offender. The clerk of 3638
court shall retain this discretionary two dollar and fifty cent 3639
court cost, if imposed, and shall deposit it in the court's 3640
special projects fund that is established under division (E) (1) 3641
of section 2303.201, division (B) (1) of section 1901.26, or 3642
division (B) (1) of section 1907.24 of the Revised Code. 3643

(B) Any person whose driver's or commercial driver's 3644
license or permit or nonresident operating privilege has been 3645
suspended pursuant to section 4511.19 or 4511.191 of the Revised 3646
Code or under section 4510.07 of the Revised Code for a 3647
violation of a municipal OVI ordinance may file a petition for 3648
limited driving privileges during the suspension. The person 3649
shall file the petition in the court that has jurisdiction over 3650
the place of arrest. Subject to division (A) of this section, 3651
the court may grant the person limited driving privileges during 3652
the period during which the suspension otherwise would be 3653
imposed. However, the court shall not grant the privileges for 3654

employment as a driver of a commercial motor vehicle to any 3655
person who is disqualified from operating a commercial motor 3656
vehicle under section 4506.16 of the Revised Code or during any 3657
of the periods prescribed by division (A) of this section. 3658

(C) (1) After a driver's or commercial driver's license or 3659
permit or nonresident operating privilege has been suspended 3660
pursuant to section 2903.06, 2903.08, 2903.11, 2921.331, 3661
2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 4549.021, or 3662
5743.99 of the Revised Code, any provision of Chapter 2925. of 3663
the Revised Code, or section 4510.07 of the Revised Code for a 3664
violation of a municipal OVI ordinance, the judge of the court 3665
or mayor of the mayor's court that suspended the license, 3666
permit, or privilege shall cause the offender to deliver to the 3667
court the license or permit. The judge, mayor, or clerk of the 3668
court or mayor's court shall forward to the registrar the 3669
license or permit together with notice of the action of the 3670
court. 3671

(2) A suspension of a commercial driver's license under 3672
any section or chapter identified in division (C) (1) of this 3673
section shall be concurrent with any period of suspension or 3674
disqualification under section 3123.58 or 4506.16 of the Revised 3675
Code. No person who is disqualified for life from holding a 3676
commercial driver's license under section 4506.16 of the Revised 3677
Code shall be issued a driver's license under this chapter 3678
during the period for which the commercial driver's license was 3679
suspended under this section, and no person whose commercial 3680
driver's license is suspended under any section or chapter 3681
identified in division (C) (1) of this section shall be issued a 3682
driver's license under Chapter 4507. of the Revised Code during 3683
the period of the suspension. 3684

(3) No judge or mayor shall suspend any class one 3685
suspension, or any portion of any class one suspension, imposed 3686
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 3687
Revised Code. No judge or mayor shall suspend the first thirty 3688
days of any class two, class three, class four, class five, or 3689
class six suspension imposed under section 2903.06, 2903.08, 3690
2903.11, 2923.02, or 2929.02 of the Revised Code. 3691

(D) The judge of the court or mayor of the mayor's court 3692
shall credit any time during which an offender was subject to an 3693
administrative suspension of the offender's driver's or 3694
commercial driver's license or permit or nonresident operating 3695
privilege imposed pursuant to section 4511.191 or 4511.192 of 3696
the Revised Code or a suspension imposed by a judge, referee, or 3697
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 3698
the Revised Code against the time to be served under a related 3699
suspension imposed pursuant to any section or chapter identified 3700
in division (C) (1) of this section. 3701

(E) The judge or mayor shall notify the bureau of motor 3702
vehicles of any determinations made pursuant to this section and 3703
of any suspension imposed pursuant to any section or chapter 3704
identified in division (C) (1) of this section. 3705

(F) (1) If a court issues an order under this section 3706
granting limited driving privileges and requiring an offender to 3707
use an immobilizing or disabling device, the order shall 3708
authorize the offender during the specified period to operate a 3709
motor vehicle only if it is equipped with such a device, except 3710
as provided in division (C) of section 4510.43 of the Revised 3711
Code. The court shall provide the offender with a copy of the 3712
order for purposes of obtaining a restricted license and shall 3713
submit a copy of the order to the registrar of motor vehicles. 3714

(2) An offender shall present to the registrar or to a 3715
deputy registrar the copy of an immobilizing or disabling device 3716
order issued under this section and a certificate affirming the 3717
installation of an immobilizing or disabling device that is in a 3718
form established by the director of public safety and that is 3719
signed by the person who installed the device. Upon presentation 3720
of the order and certificate to the registrar or a deputy 3721
registrar, the registrar or deputy registrar shall issue the 3722
offender a restricted license, unless the offender's driver's or 3723
commercial driver's license or permit is suspended under any 3724
other provision of law and limited driving privileges have not 3725
been granted with regard to that suspension. A restricted 3726
license issued under this division shall be identical to an Ohio 3727
driver's license, except that it shall have printed on its face 3728
a statement that the offender is prohibited from operating any 3729
motor vehicle that is not equipped with an immobilizing or 3730
disabling device in violation of the order. 3731

(3) (a) No person who has been granted limited driving 3732
privileges subject to an immobilizing or disabling device order 3733
under this section shall operate a motor vehicle prior to 3734
obtaining a restricted license. Any person who violates this 3735
prohibition is subject to the penalties prescribed in section 3736
4510.14 of the Revised Code. 3737

(b) The offense established under division (F) (3) (a) of 3738
this section is a strict liability offense and section 2901.20 3739
of the Revised Code does not apply. 3740

Sec. 4510.17. (A) The registrar of motor vehicles shall 3741
impose a class D suspension of the person's driver's license, 3742
commercial driver's license, temporary instruction permit, 3743
probationary license, or nonresident operating privilege for the 3744

period of time specified in division (B) (4) of section 4510.02 3745
of the Revised Code on any person who is a resident of this 3746
state and is convicted of or pleads guilty to a violation of a 3747
statute of any other state or any federal statute that is 3748
substantially similar to section 2925.02, 2925.03, 2925.04, 3749
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 3750
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 3751
2925.37 of the Revised Code. Upon receipt of a report from a 3752
court, court clerk, or other official of any other state or from 3753
any federal authority that a resident of this state was 3754
convicted of or pleaded guilty to an offense described in this 3755
division, the registrar shall send a notice by regular first 3756
class mail to the person, at the person's last known address as 3757
shown in the records of the bureau of motor vehicles, informing 3758
the person of the suspension, that the suspension will take 3759
effect twenty-one days from the date of the notice, and that, if 3760
the person wishes to appeal the suspension or denial, the person 3761
must file a notice of appeal within twenty-one days of the date 3762
of the notice requesting a hearing on the matter. If the person 3763
requests a hearing, the registrar shall hold the hearing not 3764
more than forty days after receipt by the registrar of the 3765
notice of appeal. The filing of a notice of appeal does not stay 3766
the operation of the suspension that must be imposed pursuant to 3767
this division. The scope of the hearing shall be limited to 3768
whether the person actually was convicted of or pleaded guilty 3769
to the offense for which the suspension is to be imposed. 3770

The suspension the registrar is required to impose under 3771
this division shall end either on the last day of the class D 3772
suspension period or of the suspension of the person's 3773
nonresident operating privilege imposed by the state or federal 3774
court, whichever is earlier. 3775

The registrar shall subscribe to or otherwise participate 3776
in any information system or register, or enter into reciprocal 3777
and mutual agreements with other states and federal authorities, 3778
in order to facilitate the exchange of information with other 3779
states and the United States government regarding persons who 3780
plead guilty to or are convicted of offenses described in this 3781
division and therefore are subject to the suspension or denial 3782
described in this division. 3783

(B) The registrar shall impose a class D suspension of the 3784
person's driver's license, commercial driver's license, 3785
temporary instruction permit, probationary license, or 3786
nonresident operating privilege for the period of time specified 3787
in division (B) (4) of section 4510.02 of the Revised Code on any 3788
person who is a resident of this state and is convicted of or 3789
pleads guilty to a violation of a statute of any other state or 3790
a municipal ordinance of a municipal corporation located in any 3791
other state that is substantially similar to section 4511.19 of 3792
the Revised Code. Upon receipt of a report from another state 3793
made pursuant to section 4510.61 of the Revised Code indicating 3794
that a resident of this state was convicted of or pleaded guilty 3795
to an offense described in this division, the registrar shall 3796
send a notice by regular first class mail to the person, at the 3797
person's last known address as shown in the records of the 3798
bureau of motor vehicles, informing the person of the 3799
suspension, that the suspension or denial will take effect 3800
twenty-one days from the date of the notice, and that, if the 3801
person wishes to appeal the suspension, the person must file a 3802
notice of appeal within twenty-one days of the date of the 3803
notice requesting a hearing on the matter. If the person 3804
requests a hearing, the registrar shall hold the hearing not 3805
more than forty days after receipt by the registrar of the 3806

notice of appeal. The filing of a notice of appeal does not stay 3807
the operation of the suspension that must be imposed pursuant to 3808
this division. The scope of the hearing shall be limited to 3809
whether the person actually was convicted of or pleaded guilty 3810
to the offense for which the suspension is to be imposed. 3811

The suspension the registrar is required to impose under 3812
this division shall end either on the last day of the class D 3813
suspension period or of the suspension of the person's 3814
nonresident operating privilege imposed by the state or federal 3815
court, whichever is earlier. 3816

(C) The registrar shall impose a class D suspension of the 3817
child's driver's license, commercial driver's license, temporary 3818
instruction permit, or nonresident operating privilege for the 3819
period of time specified in division (B) (4) of section 4510.02 3820
of the Revised Code on any child who is a resident of this state 3821
and is convicted of or pleads guilty to a violation of a statute 3822
of any other state or any federal statute that is substantially 3823
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 3824
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 3825
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 3826
Code. Upon receipt of a report from a court, court clerk, or 3827
other official of any other state or from any federal authority 3828
that a child who is a resident of this state was convicted of or 3829
pleaded guilty to an offense described in this division, the 3830
registrar shall send a notice by regular first class mail to the 3831
child, at the child's last known address as shown in the records 3832
of the bureau of motor vehicles, informing the child of the 3833
suspension, that the suspension or denial will take effect 3834
twenty-one days from the date of the notice, and that, if the 3835
child wishes to appeal the suspension, the child must file a 3836
notice of appeal within twenty-one days of the date of the 3837

notice requesting a hearing on the matter. If the child requests 3838
a hearing, the registrar shall hold the hearing not more than 3839
forty days after receipt by the registrar of the notice of 3840
appeal. The filing of a notice of appeal does not stay the 3841
operation of the suspension that must be imposed pursuant to 3842
this division. The scope of the hearing shall be limited to 3843
whether the child actually was convicted of or pleaded guilty to 3844
the offense for which the suspension is to be imposed. 3845

The suspension the registrar is required to impose under 3846
this division shall end either on the last day of the class D 3847
suspension period or of the suspension of the child's 3848
nonresident operating privilege imposed by the state or federal 3849
court, whichever is earlier. If the child is a resident of this 3850
state who is sixteen years of age or older and does not have a 3851
current, valid Ohio driver's or commercial driver's license or 3852
permit, the notice shall inform the child that the child will be 3853
denied issuance of a driver's or commercial driver's license or 3854
permit for six months beginning on the date of the notice. If 3855
the child has not attained the age of sixteen years on the date 3856
of the notice, the notice shall inform the child that the period 3857
of denial of six months shall commence on the date the child 3858
attains the age of sixteen years. 3859

The registrar shall subscribe to or otherwise participate 3860
in any information system or register, or enter into reciprocal 3861
and mutual agreements with other states and federal authorities, 3862
in order to facilitate the exchange of information with other 3863
states and the United States government regarding children who 3864
are residents of this state and plead guilty to or are convicted 3865
of offenses described in this division and therefore are subject 3866
to the suspension or denial described in this division. 3867

(D) The registrar shall impose a class D suspension of the 3868
child's driver's license, commercial driver's license, temporary 3869
instruction permit, probationary license, or nonresident 3870
operating privilege for the period of time specified in division 3871
(B) (4) of section 4510.02 of the Revised Code on any child who 3872
is a resident of this state and is convicted of or pleads guilty 3873
to a violation of a statute of any other state or a municipal 3874
ordinance of a municipal corporation located in any other state 3875
that is substantially similar to section 4511.19 of the Revised 3876
Code. Upon receipt of a report from another state made pursuant 3877
to section 4510.61 of the Revised Code indicating that a child 3878
who is a resident of this state was convicted of or pleaded 3879
guilty to an offense described in this division, the registrar 3880
shall send a notice by regular first class mail to the child, at 3881
the child's last known address as shown in the records of the 3882
bureau of motor vehicles, informing the child of the suspension, 3883
that the suspension will take effect twenty-one days from the 3884
date of the notice, and that, if the child wishes to appeal the 3885
suspension, the child must file a notice of appeal within 3886
twenty-one days of the date of the notice requesting a hearing 3887
on the matter. If the child requests a hearing, the registrar 3888
shall hold the hearing not more than forty days after receipt by 3889
the registrar of the notice of appeal. The filing of a notice of 3890
appeal does not stay the operation of the suspension that must 3891
be imposed pursuant to this division. The scope of the hearing 3892
shall be limited to whether the child actually was convicted of 3893
or pleaded guilty to the offense for which the suspension is to 3894
be imposed. 3895

The suspension the registrar is required to impose under 3896
this division shall end either on the last day of the class D 3897
suspension period or of the suspension of the child's 3898

nonresident operating privilege imposed by the state or federal 3899
court, whichever is earlier. If the child is a resident of this 3900
state who is sixteen years of age or older and does not have a 3901
current, valid Ohio driver's or commercial driver's license or 3902
permit, the notice shall inform the child that the child will be 3903
denied issuance of a driver's or commercial driver's license or 3904
permit for six months beginning on the date of the notice. If 3905
the child has not attained the age of sixteen years on the date 3906
of the notice, the notice shall inform the child that the period 3907
of denial of six months shall commence on the date the child 3908
attains the age of sixteen years. 3909

(E) (1) Any person whose license or permit has been 3910
suspended pursuant to this section may file a petition in the 3911
municipal or county court, or in case the person is under 3912
eighteen years of age, the juvenile court, in whose jurisdiction 3913
the person resides, requesting limited driving privileges and 3914
agreeing to pay the cost of the proceedings. Except as provided 3915
in division (E) (2) or (3) of this section, the judge may grant 3916
the person limited driving privileges during the period during 3917
which the suspension otherwise would be imposed for any of the 3918
purposes set forth in division (A) of section 4510.021 of the 3919
Revised Code. 3920

(2) No judge shall grant limited driving privileges for 3921
employment as a driver of a commercial motor vehicle to any 3922
person who would be disqualified from operating a commercial 3923
motor vehicle under section 4506.16 of the Revised Code if the 3924
violation had occurred in this state. ~~Further, no~~ 3925

(3) No judge shall grant limited driving privileges during 3926
any of the following periods of time: 3927

(a) The first fifteen days of a suspension under division 3928

(B) or (D) of this section, if the person has not been convicted 3929
within ten years of the date of the offense giving rise to the 3930
suspension under this section of a violation of any of the 3931
following: 3932

(i) Division (A) of section 4511.19 of the Revised Code, 3933
or a municipal ordinance relating to operating a vehicle while 3934
under the influence of alcohol, a drug of abuse, or alcohol and 3935
a drug of abuse; 3936

(ii) A municipal ordinance relating to operating a motor 3937
vehicle with a prohibited concentration of alcohol, a controlled 3938
substance, or a metabolite of a controlled substance in the 3939
whole blood, blood serum or plasma, breath, or urine; 3940

(iii) Section 2903.04 of the Revised Code in a case in 3941
which the person was subject to the sanctions described in 3942
division (D) of that section; 3943

(iv) Division (A)(1) of section 2903.06 or division (A)(1) 3944
of section 2903.08 of the Revised Code or a municipal ordinance 3945
that is substantially similar to either of those divisions; 3946

(v) Division (A)(2), (3), or (4) of section 2903.06, 3947
division (A)(2) of section 2903.08, or as it existed prior to 3948
March 23, 2000, section 2903.07 of the Revised Code, or a 3949
municipal ordinance that is substantially similar to any of 3950
those divisions or that former section, in a case in which the 3951
jury or judge found that the person was under the influence of 3952
alcohol, a drug of abuse, or alcohol and a drug of abuse. 3953

(b) The first ~~thirty~~forty-five days of a suspension under 3954
division (B) or (D) of this section, if the person has been 3955
convicted one time within ten years of the date of the offense 3956
giving rise to the suspension under this section of any 3957

violation identified in division ~~(E) (1) (a)~~ (E) (3) (a) of this 3958
section. 3959

(c) The first one hundred eighty days of a suspension 3960
under division (B) or (D) of this section, if the person has 3961
been convicted two times within ten years of the date of the 3962
offense giving rise to the suspension under this section of any 3963
violation identified in division ~~(E) (1) (a)~~ (E) (3) (a) of this 3964
section. 3965

~~(3) No limited driving privileges may be granted (d) The~~ 3966
first three years of a suspension under division (B) or (D) of 3967
this section, if the person has been convicted three or more 3968
times within ~~five~~ ten years of the date of the offense giving 3969
rise to a suspension under division (B) or (D) of this section 3970
of any violation identified in division ~~(E) (1) (a)~~ (E) (3) (a) of 3971
this section. 3972

(4) In accordance with section 4510.022 of the Revised 3973
Code, a person may petition for, and a judge may grant, 3974
unlimited driving privileges with a certified ignition interlock 3975
device during the period of suspension imposed under division 3976
(B) or (D) of this section to a person described in division ~~(E)~~ 3977
~~(2) (a)~~ (E) (3) (a) of this section. 3978

(5) If a person petitions for limited driving privileges 3979
under division (E) (1) of this section or unlimited driving 3980
privileges with a certified ignition interlock device as 3981
provided in division (E) (4) of this section, the registrar shall 3982
be represented by the county prosecutor of the county in which 3983
the person resides if the petition is filed in a juvenile court 3984
or county court, except that if the person resides within a city 3985
or village that is located within the jurisdiction of the county 3986
in which the petition is filed, the city director of law or 3987

village solicitor of that city or village shall represent the 3988
registrar. If the petition is filed in a municipal court, the 3989
registrar shall be represented as provided in section 1901.34 of 3990
the Revised Code. 3991

(6) (a) In issuing an order granting limited driving 3992
privileges under division (E) (1) of this section, the court may 3993
impose any condition it considers reasonable and necessary to 3994
limit the use of a vehicle by the person. The court shall 3995
deliver to the person a copy of the order setting forth the 3996
time, place, and other conditions limiting the person's use of a 3997
motor vehicle. Unless division (E) (6) (b) of this section 3998
applies, the grant of limited driving privileges shall be 3999
conditioned upon the person's having the order in the person's 4000
possession at all times during which the person is operating a 4001
vehicle. 4002

(b) If, under the order, the court requires the use of an 4003
immobilizing or disabling device as a condition of the grant of 4004
limited or unlimited driving privileges, the person shall 4005
present to the registrar or to a deputy registrar the copy of 4006
the order granting limited driving privileges and a certificate 4007
affirming the installation of an immobilizing or disabling 4008
device that is in a form established by the director of public 4009
safety and is signed by the person who installed the device. 4010
Upon presentation of the order and the certificate to the 4011
registrar or a deputy registrar, the registrar or deputy 4012
registrar shall issue to the offender a restricted license, 4013
unless the offender's driver's or commercial driver's license or 4014
permit is suspended under any other provision of law and limited 4015
driving privileges have not been granted with regard to that 4016
suspension. A restricted license issued under this division 4017
shall be identical to an Ohio driver's license, except that it 4018

shall have printed on its face a statement that the offender is 4019
prohibited from operating any motor vehicle that is not equipped 4020
with an immobilizing or disabling device in violation of the 4021
order. 4022

(7) (a) Unless division (E) (7) (b) applies, a person granted 4023
limited driving privileges who operates a vehicle for other than 4024
limited purposes, in violation of any condition imposed by the 4025
court or without having the order in the person's possession, is 4026
guilty of a violation of section 4510.11 of the Revised Code. 4027

(b) No person who has been granted limited or unlimited 4028
driving privileges under division (E) of this section subject to 4029
an immobilizing or disabling device order shall operate a motor 4030
vehicle prior to obtaining a restricted license. Any person who 4031
violates this prohibition is subject to the penalties prescribed 4032
in section 4510.14 of the Revised Code. 4033

(c) The offenses established under division (E) (7) of this 4034
section are strict liability offenses and section 2901.20 of the 4035
Revised Code does not apply. 4036

(F) The provisions of division (A) (8) of section 4510.13 4037
of the Revised Code apply to a person who has been granted 4038
limited or unlimited driving privileges with a certified 4039
ignition interlock device under this section and who either 4040
commits an ignition interlock device violation as defined under 4041
section 4510.46 of the Revised Code or operates a motor vehicle 4042
that is not equipped with a certified ignition interlock device. 4043

(G) Any person whose license or permit has been suspended 4044
under division (A) or (C) of this section may file a petition in 4045
the municipal or county court, or in case the person is under 4046
eighteen years of age, the juvenile court, in whose jurisdiction 4047

the person resides, requesting the termination of the suspension 4048
and agreeing to pay the cost of the proceedings. If the court, 4049
in its discretion, determines that a termination of the 4050
suspension is appropriate, the court shall issue an order to the 4051
registrar to terminate the suspension. Upon receiving such an 4052
order, the registrar shall reinstate the license. 4053

(H) As used in divisions (C) and (D) of this section: 4054

(1) "Child" means a person who is under the age of 4055
eighteen years, except that any person who violates a statute or 4056
ordinance described in division (C) or (D) of this section prior 4057
to attaining eighteen years of age shall be deemed a "child" 4058
irrespective of the person's age at the time the complaint or 4059
other equivalent document is filed in the other state or a 4060
hearing, trial, or other proceeding is held in the other state 4061
on the complaint or other equivalent document, and irrespective 4062
of the person's age when the period of license suspension or 4063
denial prescribed in division (C) or (D) of this section is 4064
imposed. 4065

(2) "Is convicted of or pleads guilty to" means, as it 4066
relates to a child who is a resident of this state, that in a 4067
proceeding conducted in a state or federal court located in 4068
another state for a violation of a statute or ordinance 4069
described in division (C) or (D) of this section, the result of 4070
the proceeding is any of the following: 4071

(a) Under the laws that govern the proceedings of the 4072
court, the child is adjudicated to be or admits to being a 4073
delinquent child or a juvenile traffic offender for a violation 4074
described in division (C) or (D) of this section that would be a 4075
crime if committed by an adult; 4076

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

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

Sec. 4510.31. (A) (1) Except as provided in division (C) (1) or (2) of this section, the registrar of motor vehicles shall suspend the probationary driver's license, restricted license, or temporary instruction permit issued to any person when the person has been convicted of, pleaded guilty to, or been adjudicated in juvenile court of having committed, prior to the person's eighteenth birthday, any of the following:

(a) Three separate violations of section 2903.06, 2903.08, 2921.331, 4511.12, 4511.13, 4511.191, 4511.20, 4511.201, 4511.202, 4511.21, 4511.22, 4511.23, 4511.25 to 4511.48, 4511.57 to 4511.65, 4511.75, 4549.02, 4549.021, or 4549.03 of the Revised Code, section 4510.14 of the Revised Code involving a suspension imposed under section 4511.191 or 4511.196 of the Revised Code, section 2903.04 of the Revised Code in a case in which the person would have been subject to the sanctions described in division (D) of that section had the person been convicted of the violation of that section, former section 2903.07 of the Revised Code, or any municipal ordinances similarly relating to the offenses referred to in those sections;

(b) One violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance;

(c) Two separate violations of any of the Revised Code 4106
sections referred to in division (A)(1)(a) of this section, or 4107
any municipal ordinance that is substantially similar to any of 4108
those sections. 4109

(2) Any person whose license or permit is suspended under 4110
division (A)(1)(a), (b), or (c) of this section shall mail or 4111
deliver the person's probationary driver's license, restricted 4112
license, or temporary instruction permit to the registrar within 4113
fourteen days of notification of the suspension. The registrar 4114
shall retain the license or permit during the period of the 4115
suspension. A suspension pursuant to division (A)(1)(a) of this 4116
section shall be a class C suspension, a suspension pursuant to 4117
division (A)(1)(b) of this section shall be a class D 4118
suspension, and a suspension pursuant to division (A)(1)(c) of 4119
this section shall be a class E suspension, all for the periods 4120
of time specified in division (B) of section 4510.02 of the 4121
Revised Code. If the person's probationary driver's license, 4122
restricted license, or temporary instruction permit is under 4123
suspension on the date the court imposes sentence upon the 4124
person for a violation described in division (A)(1)(b) of this 4125
section, the suspension shall take effect on the next day 4126
immediately following the end of that period of suspension. If 4127
the person is sixteen years of age or older and pleads guilty to 4128
or is convicted of a violation described in division (A)(1)(b) 4129
of this section and the person does not have a current, valid 4130
probationary driver's license, restricted license, or temporary 4131
instruction permit, the registrar shall deny the issuance to the 4132
person of a probationary driver's license, restricted license, 4133
driver's license, commercial driver's license, or temporary 4134
instruction permit, as the case may be, for six months beginning 4135
on the date the court imposes sentence upon the person for the 4136

violation. If the person has not attained the age of sixteen 4137
years on the date the court imposes sentence upon the person for 4138
the violation, the period of denial shall commence on the date 4139
the person attains the age of sixteen years. 4140

(3) The registrar shall suspend the person's license or 4141
permit under division (A) of this section regardless of whether 4142
the disposition of the case in juvenile court occurred after the 4143
person's eighteenth birthday. 4144

(B) The registrar also shall impose a class D suspension 4145
for the period of time specified in division (B) (4) of section 4146
4510.02 of the Revised Code of the temporary instruction permit 4147
or probationary driver's license of any person under the age of 4148
eighteen who has been adjudicated an unruly child, delinquent 4149
child, or juvenile traffic offender for having committed any act 4150
that if committed by an adult would be a drug abuse offense or a 4151
violation of division (B) of section 2917.11 of the Revised 4152
Code. The registrar, in the registrar's discretion, may 4153
terminate the suspension if the child, at the discretion of the 4154
court, attends and satisfactorily completes a drug abuse or 4155
alcohol abuse education, intervention, or treatment program 4156
specified by the court. Any person whose temporary instruction 4157
permit or probationary driver's license is suspended under this 4158
division shall mail or deliver the person's permit or license to 4159
the registrar within fourteen days of notification of the 4160
suspension. The registrar shall retain the permit or license 4161
during the period of the suspension. 4162

(C) (1) (a) Except as provided in division (C) (1) (c) of this 4163
section, for any person who is convicted of, pleads guilty to, 4164
or is adjudicated in juvenile court of having committed a second 4165
or third violation of section 4511.12, 4511.13, 4511.20 to 4166

4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4167
4511.75 of the Revised Code or any similar municipal ordinances 4168
and whose license or permit is suspended under division (A) (1) 4169
(a) or (c) of this section, the court in which the second or 4170
third conviction, finding, plea, or adjudication resulting in 4171
the suspension was made, upon petition of the person, may grant 4172
the person limited driving privileges during the period during 4173
which the suspension otherwise would be imposed under division 4174
(A) (1) (a) or (c) of this section for any of the purposes set 4175
forth in division (A) of section 4510.021 of the Revised Code. 4176
In granting the limited driving privileges, the court shall 4177
specify the purposes, times, and places of the privileges and 4178
may impose any other conditions upon the person's driving a 4179
motor vehicle that the court considers reasonable and necessary. 4180

A court that grants limited driving privileges to a person 4181
under this division shall retain the person's probationary 4182
driver's license, restricted license, or temporary instruction 4183
permit during the period the license or permit is suspended and 4184
also during the period for which limited driving privileges are 4185
granted, and shall deliver to the person a permit card, in a 4186
form to be prescribed by the court, setting forth the date on 4187
which the limited driving privileges will become effective, the 4188
purposes for which the person may drive, the times and places at 4189
which the person may drive, and any other conditions imposed 4190
upon the person's use of a motor vehicle. 4191

The court immediately shall notify the registrar, in 4192
writing, of a grant of limited driving privileges under this 4193
division. The notification shall specify the date on which the 4194
limited driving privileges will become effective, the purposes 4195
for which the person may drive, the times and places at which 4196
the person may drive, and any other conditions imposed upon the 4197

person's use of a motor vehicle. The registrar shall not suspend 4198
the probationary driver's license, restricted license, or 4199
temporary instruction permit of any person pursuant to division 4200
(A) of this section during any period for which the person has 4201
been granted limited driving privileges as provided in this 4202
division, if the registrar has received the notification 4203
described in this division from the court. 4204

(b) Except as provided in division (C) (1) (c) of this 4205
section, in any case in which the temporary instruction permit 4206
or probationary driver's license of a person under eighteen 4207
years of age has been suspended under division (A) or (B) of 4208
this section or any other provision of law, the court may grant 4209
the person limited driving privileges for the purpose of the 4210
person's practicing of driving with the person's parent, 4211
guardian, or other custodian during the period of the 4212
suspension. Any grant of limited driving privileges under this 4213
division shall comply with division (D) of section 4510.021 of 4214
the Revised Code. 4215

(c) A court shall not grant limited driving privileges to 4216
a person identified in division (C) (1) (a) or (b) of this section 4217
if the person, ~~within the preceding six years~~ prior to the 4218
person's eighteenth birthday, has been convicted of, pleaded 4219
guilty to, or adjudicated in juvenile court of having committed 4220
three or more violations of ~~one or more of the divisions or~~ 4221
~~sections set forth in divisions (C) (2) (b) to (g) of an~~ 4222
equivalent offense, as defined in section 2919.22-4511.181 of 4223
the Revised Code. 4224

(2) (a) In a case in which a person is convicted of, pleads 4225
guilty to, or is adjudicated in juvenile court of having 4226
committed, prior to the person's eighteenth birthday, a second 4227

or third violation of section 4511.12, 4511.13, 4511.20 to 4228
4511.23, 4511.25, 4511.26 to 4511.48, 4511.57 to 4511.65, or 4229
4511.75 of the Revised Code or any similar municipal ordinances 4230
and division (A) (1) (a) or (c) of this section requires the 4231
registrar of motor vehicles to suspend the person's license or 4232
permit, the court in which the person is convicted of, pleads 4233
guilty to, or is adjudicated of having committed the second or 4234
third violation may elect to order the registrar of motor 4235
vehicles to waive the suspension if all of the following apply: 4236

(i) Prior to the date on which the court imposes sentence 4237
upon, or makes an order of disposition for, the person for the 4238
second or third violation, the person submits to the court a 4239
petition requesting the court to order the registrar to waive 4240
the prescribed suspension and describing the reasons why the 4241
person believes the suspension, if imposed, would seriously 4242
affect the person's ability to continue in employment, 4243
educational training, vocational training, or treatment. 4244

(ii) Prior to the date specified in division (C) (2) (a) (i) 4245
of this section, the person submits to the court satisfactory 4246
proof showing that the person successfully completed an advanced 4247
juvenile driver improvement program approved by the director of 4248
public safety under division (B) of section 4510.311 of the 4249
Revised Code after the date the person committed that second or 4250
third violation. 4251

(iii) Prior to imposing sentence upon, or making an order 4252
of disposition for, the person for the second or third 4253
violation, the court finds reasonable cause to believe that the 4254
suspension, if imposed, would seriously affect the person's 4255
ability to continue in employment, educational training, 4256
vocational training, or treatment. 4257

(iv) If the court is imposing sentence upon, or making an order of disposition for, the person for a third violation, the person did not submit to the court that imposed sentence upon, or made an order of disposition for, the person for the second violation a petition of the type described in division (C) (2) (a) (i) of this section, and the court that imposed sentence upon, or made an order of disposition for, the person for that second violation did not order the registrar of motor vehicles to waive the suspension of the person's license or permit required under division (A) (1) (c) of this section for the conviction of, plea of guilty to, or adjudication in juvenile court of having committed that second violation.

(b) If a court elects pursuant to division (C) (2) (a) of this section to order the registrar of motor vehicles to waive a suspension that otherwise is required under division (A) (1) (a) or (c) of this section, the court immediately shall send a written copy of the order to the registrar. Upon receipt of the written copy of the order, the registrar shall not suspend pursuant to division (A) (1) (a) or (c) of this section the probationary driver's license, restricted license, or temporary instruction permit of the person who is the subject of the order for the second or third violation for which the suspension otherwise would be imposed under that division.

(D) If a person who has been granted limited driving privileges under division (C) (1) of this section is convicted of, pleads guilty to, or is adjudicated in juvenile court of having committed, a violation of Chapter 4510. of the Revised Code, or a subsequent violation of any of the sections of the Revised Code listed in division (A) (1) (a) of this section or any similar municipal ordinance during the period for which the person was granted limited driving privileges, the court that

granted the limited driving privileges shall suspend the 4289
person's permit card. The court or the clerk of the court 4290
immediately shall forward the person's probationary driver's 4291
license, restricted license, or temporary instruction permit 4292
together with written notification of the court's action to the 4293
registrar. Upon receipt of the license or permit and 4294
notification, the registrar shall impose a class C suspension of 4295
the person's probationary driver's license, restricted license, 4296
or temporary instruction permit for the period of time specified 4297
in division (B) (3) of section 4510.02 of the Revised Code. The 4298
registrar shall retain the license or permit during the period 4299
of suspension, and no further limited driving privileges shall 4300
be granted during that period. 4301

(E) No application for a driver's or commercial driver's 4302
license shall be received from any person whose probationary 4303
driver's license, restricted license, or temporary instruction 4304
permit has been suspended under this section until each of the 4305
following has occurred: 4306

(1) The suspension period has expired; 4307

(2) A temporary instruction permit or commercial driver's 4308
license temporary instruction permit has been issued; 4309

(3) The person successfully completes a juvenile driver 4310
improvement program approved by the director of public safety 4311
under division (A) of section 4510.311 of the Revised Code; 4312

(4) The applicant has submitted to the examination for a 4313
driver's license as provided for in section 4507.11 or a 4314
commercial driver's license as provided in Chapter 4506. of the 4315
Revised Code. 4316

Sec. 4510.54. (A) Except as provided in division (F) of 4317

this section, a person whose driver's or commercial driver's license has been suspended for life under a class one suspension or as otherwise provided by law or has been suspended for a period in excess of fifteen years under a class two suspension may file a motion with the sentencing court for modification or termination of the suspension. The person filing the motion shall demonstrate all of the following:

(1) (a) If the person's license was suspended as a result of the person pleading guilty to or being convicted of a felony, at least fifteen years have elapsed since the suspension began or, if the person's license was suspended under division ~~(B)(2)~~ ~~(d)~~ (B)(2)(e) of section 2903.06 of the Revised Code, at least fifteen years have elapsed since the person was released from prison, and, for the past fifteen years, the person has not been found guilty of any of the following:

(i) A felony;

(ii) An offense involving a moving violation under federal law, the law of this state, or the law of any of its political subdivisions;

(iii) A violation of a suspension under this chapter or a substantially equivalent municipal ordinance.

(b) If the person's license was suspended as a result of the person pleading guilty to or being convicted of a misdemeanor, at least five years have elapsed since the suspension began, and, for the past five years, the person has not been found guilty of any of the following:

(i) An offense involving a moving violation under the law of this state, the law of any of its political subdivisions, or federal law;

(ii) A violation of section 2903.06 or 2903.08 of the Revised Code; 4347
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(iii) A violation of a suspension under this chapter or a substantially equivalent municipal ordinance. 4349
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(2) The person has proof of financial responsibility, a policy of liability insurance in effect that meets the minimum standard set forth in section 4509.51 of the Revised Code, or proof, to the satisfaction of the registrar of motor vehicles, that the person is able to respond in damages in an amount at least equal to the minimum amounts specified in that section. 4351
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(3) If the suspension was imposed because the person was under the influence of alcohol, a drug of abuse, or combination of them at the time of the offense or because at the time of the offense the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, all of the following apply to the person: 4357
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(a) The person successfully completed an alcohol, drug, or alcohol and drug treatment program. 4368
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(b) The person has not abused alcohol or other drugs for a period satisfactory to the court. 4370
4371

(c) For the past fifteen years, the person has not been found guilty of any alcohol-related or drug-related offense. 4372
4373

(B) Upon receipt of a motion for modification or termination of the suspension under this section, the court may 4374
4375

schedule a hearing on the motion. The court may deny the motion 4376
without a hearing but shall not grant the motion without a 4377
hearing. If the court denies a motion without a hearing, the 4378
court may consider a subsequent motion filed under this section 4379
by that person. If a court denies the motion after a hearing, 4380
the court shall not consider a subsequent motion for that 4381
person. The court shall hear only one motion filed by a person 4382
under this section. If scheduled, the hearing shall be conducted 4383
in open court within ninety days after the date on which the 4384
motion is filed. 4385

(C) The court shall notify the person whose license was 4386
suspended and the prosecuting attorney of the date, time, and 4387
location of the hearing. Upon receipt of the notice from the 4388
court, the prosecuting attorney shall notify the victim or the 4389
victim's representative of the date, time, and location of the 4390
hearing. 4391

(D) At any hearing under this section, the person who 4392
seeks modification or termination of the suspension has the 4393
burden to demonstrate, under oath, that the person meets the 4394
requirements of division (A) of this section. At the hearing, 4395
the court shall afford the offender or the offender's counsel an 4396
opportunity to present oral or written information relevant to 4397
the motion. The court shall afford a similar opportunity to 4398
provide relevant information to the prosecuting attorney and the 4399
victim or victim's representative. 4400

Before ruling on the motion, the court shall take into 4401
account the person's driving record, the nature of the offense 4402
that led to the suspension, and the impact of the offense on any 4403
victim. In addition, if the offender is eligible for 4404
modification or termination of the suspension under division (A) 4405

(1) (a) of this section, the court shall consider whether the person committed any other offense while under suspension and determine whether the offense is relevant to a determination under this section. The court may modify or terminate the suspension subject to any considerations it considers proper if it finds that allowing the person to drive is not likely to present a danger to the public. After the court makes a ruling on a motion filed under this section, the prosecuting attorney shall notify the victim or the victim's representative of the court's ruling.

(E) If a court modifies a person's license suspension under this section and the person subsequently is found guilty of any moving violation or of any substantially equivalent municipal ordinance that carries as a possible penalty the suspension of a person's driver's or commercial driver's license, the court may reimpose the class one or other lifetime suspension, or the class two suspension, whichever is applicable.

(F) This section does not apply to any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended for life under a class one suspension imposed under division (B) (3) of section 2903.06 or section 2903.08 of the Revised Code or a class two suspension imposed under division (C) of section 2903.06 or section 2903.11, 2923.02, or 2929.02 of the Revised Code.

(G) As used in this section, "released from prison" means a person's physical release from a jail or prison as defined in section 2929.01 of the Revised Code.

Sec. 4511.19. (A) (1) No person shall operate any vehicle, streetcar, or trackless trolley within this state, if, at the

time of the operation, any of the following apply: 4436

(a) The person is under the influence of alcohol, a drug 4437
of abuse, or a combination of them. 4438

(b) The person has a concentration of eight-hundredths of 4439
one per cent or more but less than seventeen-hundredths of one 4440
per cent by weight per unit volume of alcohol in the person's 4441
whole blood. 4442

(c) The person has a concentration of ninety-six- 4443
thousandths of one per cent or more but less than two hundred 4444
four-thousandths of one per cent by weight per unit volume of 4445
alcohol in the person's blood serum or plasma. 4446

(d) The person has a concentration of eight-hundredths of 4447
one gram or more but less than seventeen-hundredths of one gram 4448
by weight of alcohol per two hundred ten liters of the person's 4449
breath. 4450

(e) The person has a concentration of eleven-hundredths of 4451
one gram or more but less than two hundred thirty-eight- 4452
thousandths of one gram by weight of alcohol per one hundred 4453
milliliters of the person's urine. 4454

(f) The person has a concentration of seventeen-hundredths 4455
of one per cent or more by weight per unit volume of alcohol in 4456
the person's whole blood. 4457

(g) The person has a concentration of two hundred four- 4458
thousandths of one per cent or more by weight per unit volume of 4459
alcohol in the person's blood serum or plasma. 4460

(h) The person has a concentration of seventeen-hundredths 4461
of one gram or more by weight of alcohol per two hundred ten 4462
liters of the person's breath. 4463

(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine. 4464
4465
4466

(j) Except as provided in division (K) of this section, 4467
the person has a concentration of any of the following 4468
controlled substances or metabolites of a controlled substance 4469
in the person's whole blood, blood serum or plasma, or urine 4470
that equals or exceeds any of the following: 4471

(i) The person has a concentration of amphetamine in the 4472
person's urine of at least five hundred nanograms of amphetamine 4473
per milliliter of the person's urine or has a concentration of 4474
amphetamine in the person's whole blood or blood serum or plasma 4475
of at least one hundred nanograms of amphetamine per milliliter 4476
of the person's whole blood or blood serum or plasma. 4477

(ii) The person has a concentration of cocaine in the 4478
person's urine of at least one hundred fifty nanograms of 4479
cocaine per milliliter of the person's urine or has a 4480
concentration of cocaine in the person's whole blood or blood 4481
serum or plasma of at least fifty nanograms of cocaine per 4482
milliliter of the person's whole blood or blood serum or plasma. 4483

(iii) The person has a concentration of cocaine metabolite 4484
in the person's urine of at least one hundred fifty nanograms of 4485
cocaine metabolite per milliliter of the person's urine or has a 4486
concentration of cocaine metabolite in the person's whole blood 4487
or blood serum or plasma of at least fifty nanograms of cocaine 4488
metabolite per milliliter of the person's whole blood or blood 4489
serum or plasma. 4490

(iv) The person has a concentration of heroin in the 4491
person's urine of at least two thousand nanograms of heroin per 4492

milliliter of the person's urine or has a concentration of 4493
heroin in the person's whole blood or blood serum or plasma of 4494
at least fifty nanograms of heroin per milliliter of the 4495
person's whole blood or blood serum or plasma. 4496

(v) The person has a concentration of heroin metabolite 4497
(6-monoacetyl morphine) in the person's urine of at least ten 4498
nanograms of heroin metabolite (6-monoacetyl morphine) per 4499
milliliter of the person's urine or has a concentration of 4500
heroin metabolite (6-monoacetyl morphine) in the person's whole 4501
blood or blood serum or plasma of at least ten nanograms of 4502
heroin metabolite (6-monoacetyl morphine) per milliliter of the 4503
person's whole blood or blood serum or plasma. 4504

(vi) The person has a concentration of L.S.D. in the 4505
person's urine of at least twenty-five nanograms of L.S.D. per 4506
milliliter of the person's urine or a concentration of L.S.D. in 4507
the person's whole blood or blood serum or plasma of at least 4508
ten nanograms of L.S.D. per milliliter of the person's whole 4509
blood or blood serum or plasma. 4510

(vii) The person has a concentration of marihuana in the 4511
person's urine of at least ten nanograms of marihuana per 4512
milliliter of the person's urine or has a concentration of 4513
marihuana in the person's whole blood or blood serum or plasma 4514
of at least two nanograms of marihuana per milliliter of the 4515
person's whole blood or blood serum or plasma. 4516

(viii) Either of the following applies: 4517

(I) The person is under the influence of alcohol, a drug 4518
of abuse, or a combination of them, and the person has a 4519
concentration of marihuana metabolite in the person's urine of 4520
at least fifteen nanograms of marihuana metabolite per 4521

milliliter of the person's urine or has a concentration of 4522
marihuana metabolite in the person's whole blood or blood serum 4523
or plasma of at least five nanograms of marihuana metabolite per 4524
milliliter of the person's whole blood or blood serum or plasma. 4525

(II) The person has a concentration of marihuana 4526
metabolite in the person's urine of at least thirty-five 4527
nanograms of marihuana metabolite per milliliter of the person's 4528
urine or has a concentration of marihuana metabolite in the 4529
person's whole blood or blood serum or plasma of at least fifty 4530
nanograms of marihuana metabolite per milliliter of the person's 4531
whole blood or blood serum or plasma. 4532

(ix) The person has a concentration of methamphetamine in 4533
the person's urine of at least five hundred nanograms of 4534
methamphetamine per milliliter of the person's urine or has a 4535
concentration of methamphetamine in the person's whole blood or 4536
blood serum or plasma of at least one hundred nanograms of 4537
methamphetamine per milliliter of the person's whole blood or 4538
blood serum or plasma. 4539

(x) The person has a concentration of phencyclidine in the 4540
person's urine of at least twenty-five nanograms of 4541
phencyclidine per milliliter of the person's urine or has a 4542
concentration of phencyclidine in the person's whole blood or 4543
blood serum or plasma of at least ten nanograms of phencyclidine 4544
per milliliter of the person's whole blood or blood serum or 4545
plasma. 4546

(xi) The state board of pharmacy has adopted a rule 4547
pursuant to section 4729.041 of the Revised Code that specifies 4548
the amount of salvia divinorum and the amount of salvinorin A 4549
that constitute concentrations of salvia divinorum and 4550
salvinorin A in a person's urine, in a person's whole blood, or 4551

in a person's blood serum or plasma at or above which the person 4552
is impaired for purposes of operating any vehicle, streetcar, or 4553
trackless trolley within this state, the rule is in effect, and 4554
the person has a concentration of salvia divinorum or salvinorin 4555
A of at least that amount so specified by rule in the person's 4556
urine, in the person's whole blood, or in the person's blood 4557
serum or plasma. 4558

(2) No person who, within twenty years of the conduct 4559
described in division (A) (2) (a) of this section, previously has 4560
been convicted of or pleaded guilty to a violation of this 4561
division, a violation of division (A) (1) of this section, or any 4562
other equivalent offense shall do both of the following: 4563

(a) Operate any vehicle, streetcar, or trackless trolley 4564
within this state while under the influence of alcohol, a drug 4565
of abuse, or a combination of them; 4566

(b) Subsequent to being arrested for operating the 4567
vehicle, streetcar, or trackless trolley as described in 4568
division (A) (2) (a) of this section, being asked by a law 4569
enforcement officer to submit to a chemical test or tests under 4570
section 4511.191 of the Revised Code, and being advised by the 4571
officer in accordance with section 4511.192 of the Revised Code 4572
of the consequences of the person's refusal or submission to the 4573
test or tests, refuse to submit to the test or tests. 4574

(B) No person under twenty-one years of age shall operate 4575
any vehicle, streetcar, or trackless trolley within this state, 4576
if, at the time of the operation, any of the following apply: 4577

(1) The person has a concentration of at least two- 4578
hundredths of one per cent but less than eight-hundredths of one 4579
per cent by weight per unit volume of alcohol in the person's 4580

whole blood. 4581

(2) The person has a concentration of at least three- 4582
hundredths of one per cent but less than ninety-six-thousandths 4583
of one per cent by weight per unit volume of alcohol in the 4584
person's blood serum or plasma. 4585

(3) The person has a concentration of at least two- 4586
hundredths of one gram but less than eight-hundredths of one 4587
gram by weight of alcohol per two hundred ten liters of the 4588
person's breath. 4589

(4) The person has a concentration of at least twenty- 4590
eight one-thousandths of one gram but less than eleven- 4591
hundredths of one gram by weight of alcohol per one hundred 4592
milliliters of the person's urine. 4593

(C) In any proceeding arising out of one incident, a 4594
person may be charged with a violation of division (A) (1) (a) or 4595
(A) (2) and a violation of division (B) (1), (2), or (3) of this 4596
section, but the person may not be convicted of more than one 4597
violation of these divisions. 4598

(D) (1) (a) In any criminal prosecution or juvenile court 4599
proceeding for a violation of division (A) (1) (a) of this section 4600
or for an equivalent offense that is vehicle-related, the result 4601
of any test of any blood, oral fluid, or urine withdrawn and 4602
analyzed at any health care provider, as defined in section 4603
2317.02 of the Revised Code, may be admitted with expert 4604
testimony to be considered with any other relevant and competent 4605
evidence in determining the guilt or innocence of the defendant. 4606

(b) In any criminal prosecution or juvenile court 4607
proceeding for a violation of division (A) or (B) of this 4608
section or for an equivalent offense that is vehicle-related, 4609

the court may admit evidence on the presence and concentration 4610
of alcohol, drugs of abuse, controlled substances, metabolites 4611
of a controlled substance, or a combination of them in the 4612
defendant's whole blood, blood serum or plasma, breath, urine, 4613
oral fluid, or other bodily substance at the time of the alleged 4614
violation as shown by chemical analysis of the substance 4615
withdrawn within three hours of the time of the alleged 4616
violation. The three-hour time limit specified in this division 4617
regarding the admission of evidence does not extend or affect 4618
the two-hour time limit specified in division (A) of section 4619
4511.192 of the Revised Code as the maximum period of time 4620
during which a person may consent to a chemical test or tests as 4621
described in that section. The court may admit evidence on the 4622
presence and concentration of alcohol, drugs of abuse, or a 4623
combination of them as described in this division when a person 4624
submits to a blood, breath, urine, oral fluid, or other bodily 4625
substance test at the request of a law enforcement officer under 4626
section 4511.191 of the Revised Code or a blood or urine sample 4627
is obtained pursuant to a search warrant. Only a physician, a 4628
registered nurse, an emergency medical technician-intermediate, 4629
an emergency medical technician-paramedic, or a qualified 4630
technician, chemist, or phlebotomist shall withdraw a blood 4631
sample for the purpose of determining the alcohol, drug, 4632
controlled substance, metabolite of a controlled substance, or 4633
combination content of the whole blood, blood serum, or blood 4634
plasma. This limitation does not apply to the taking of breath, 4635
oral fluid, or urine specimens. A person authorized to withdraw 4636
blood under this division may refuse to withdraw blood under 4637
this division, if in that person's opinion, the physical welfare 4638
of the person would be endangered by the withdrawing of blood. 4639

The bodily substance withdrawn under division (D) (1) (b) of 4640

this section shall be analyzed in accordance with methods 4641
approved by the director of health by an individual possessing a 4642
valid permit issued by the director pursuant to section 3701.143 4643
of the Revised Code. 4644

(c) As used in division (D) (1) (b) of this section, 4645
"emergency medical technician-intermediate" and "emergency 4646
medical technician-paramedic" have the same meanings as in 4647
section 4765.01 of the Revised Code. 4648

(2) In a criminal prosecution or juvenile court proceeding 4649
for a violation of division (A) of this section or for an 4650
equivalent offense that is vehicle-related, if there was at the 4651
time the bodily substance was withdrawn a concentration of less 4652
than the applicable concentration of alcohol specified in 4653
divisions (A) (1) (b), (c), (d), and (e) of this section or less 4654
than the applicable concentration of a listed controlled 4655
substance or a listed metabolite of a controlled substance 4656
specified for a violation of division (A) (1) (j) of this section, 4657
that fact may be considered with other competent evidence in 4658
determining the guilt or innocence of the defendant. This 4659
division does not limit or affect a criminal prosecution or 4660
juvenile court proceeding for a violation of division (B) of 4661
this section or for an equivalent offense that is substantially 4662
equivalent to that division. 4663

(3) Upon the request of the person who was tested, the 4664
results of the chemical test shall be made available to the 4665
person or the person's attorney, immediately upon the completion 4666
of the chemical test analysis. 4667

If the chemical test was obtained pursuant to division (D) 4668
(1) (b) of this section, the person tested may have a physician, 4669
a registered nurse, or a qualified technician, chemist, or 4670

phlebotomist of the person's own choosing administer a chemical 4671
test or tests, at the person's expense, in addition to any 4672
administered at the request of a law enforcement officer. If the 4673
person was under arrest as described in division (A) (5) of 4674
section 4511.191 of the Revised Code, the arresting officer 4675
shall advise the person at the time of the arrest that the 4676
person may have an independent chemical test taken at the 4677
person's own expense. If the person was under arrest other than 4678
described in division (A) (5) of section 4511.191 of the Revised 4679
Code, the form to be read to the person to be tested, as 4680
required under section 4511.192 of the Revised Code, shall state 4681
that the person may have an independent test performed at the 4682
person's expense. The failure or inability to obtain an 4683
additional chemical test by a person shall not preclude the 4684
admission of evidence relating to the chemical test or tests 4685
taken at the request of a law enforcement officer. 4686

(4) (a) As used in divisions (D) (4) (b) and (c) of this 4687
section, "national highway traffic safety administration" means 4688
the national highway traffic safety administration established 4689
as an administration of the United States department of 4690
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 4691

(b) In any criminal prosecution or juvenile court 4692
proceeding for a violation of division (A) or (B) of this 4693
section, of a municipal ordinance relating to operating a 4694
vehicle while under the influence of alcohol, a drug of abuse, 4695
or alcohol and a drug of abuse, or of a municipal ordinance 4696
relating to operating a vehicle with a prohibited concentration 4697
of alcohol, a controlled substance, or a metabolite of a 4698
controlled substance in the whole blood, blood serum or plasma, 4699
breath, oral fluid, or urine, if a law enforcement officer has 4700
administered a field sobriety test to the operator of the 4701

vehicle involved in the violation and if it is shown by clear 4702
and convincing evidence that the officer administered the test 4703
in substantial compliance with the testing standards for any 4704
reliable, credible, and generally accepted field sobriety tests 4705
that were in effect at the time the tests were administered, 4706
including, but not limited to, any testing standards then in 4707
effect that were set by the national highway traffic safety 4708
administration, all of the following apply: 4709

(i) The officer may testify concerning the results of the 4710
field sobriety test so administered. 4711

(ii) The prosecution may introduce the results of the 4712
field sobriety test so administered as evidence in any 4713
proceedings in the criminal prosecution or juvenile court 4714
proceeding. 4715

(iii) If testimony is presented or evidence is introduced 4716
under division (D) (4) (b) (i) or (ii) of this section and if the 4717
testimony or evidence is admissible under the Rules of Evidence, 4718
the court shall admit the testimony or evidence and the trier of 4719
fact shall give it whatever weight the trier of fact considers 4720
to be appropriate. 4721

(c) Division (D) (4) (b) of this section does not limit or 4722
preclude a court, in its determination of whether the arrest of 4723
a person was supported by probable cause or its determination of 4724
any other matter in a criminal prosecution or juvenile court 4725
proceeding of a type described in that division, from 4726
considering evidence or testimony that is not otherwise 4727
disallowed by division (D) (4) (b) of this section. 4728

(E) (1) Subject to division (E) (3) of this section, in any 4729
criminal prosecution or juvenile court proceeding for a 4730

violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 4731
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 4732
an equivalent offense that is substantially equivalent to any of 4733
those divisions, a laboratory report from any laboratory 4734
personnel issued a permit by the department of health 4735
authorizing an analysis as described in this division that 4736
contains an analysis of the whole blood, blood serum or plasma, 4737
breath, urine, or other bodily substance tested and that 4738
contains all of the information specified in this division shall 4739
be admitted as prima-facie evidence of the information and 4740
statements that the report contains. The laboratory report shall 4741
contain all of the following: 4742

(a) The signature, under oath, of any person who performed 4743
the analysis; 4744

(b) Any findings as to the identity and quantity of 4745
alcohol, a drug of abuse, a controlled substance, a metabolite 4746
of a controlled substance, or a combination of them that was 4747
found; 4748

(c) A copy of a notarized statement by the laboratory 4749
director or a designee of the director that contains the name of 4750
each certified analyst or test performer involved with the 4751
report, the analyst's or test performer's employment 4752
relationship with the laboratory that issued the report, and a 4753
notation that performing an analysis of the type involved is 4754
part of the analyst's or test performer's regular duties; 4755

(d) An outline of the analyst's or test performer's 4756
education, training, and experience in performing the type of 4757
analysis involved and a certification that the laboratory 4758
satisfies appropriate quality control standards in general and, 4759
in this particular analysis, under rules of the department of 4760

health. 4761

(2) Notwithstanding any other provision of law regarding 4762
the admission of evidence, a report of the type described in 4763
division (E)(1) of this section is not admissible against the 4764
defendant to whom it pertains in any proceeding, other than a 4765
preliminary hearing or a grand jury proceeding, unless the 4766
prosecutor has served a copy of the report on the defendant's 4767
attorney or, if the defendant has no attorney, on the defendant. 4768

(3) A report of the type described in division (E)(1) of 4769
this section shall not be prima-facie evidence of the contents, 4770
identity, or amount of any substance if, within seven days after 4771
the defendant to whom the report pertains or the defendant's 4772
attorney receives a copy of the report, the defendant or the 4773
defendant's attorney demands the testimony of the person who 4774
signed the report. The judge in the case may extend the seven- 4775
day time limit in the interest of justice. 4776

(F) Except as otherwise provided in this division, any 4777
physician, registered nurse, emergency medical technician- 4778
intermediate, emergency medical technician-paramedic, or 4779
qualified technician, chemist, or phlebotomist who withdraws 4780
blood from a person pursuant to this section or section 4511.191 4781
or 4511.192 of the Revised Code, and any hospital, first-aid 4782
station, or clinic at which blood is withdrawn from a person 4783
pursuant to this section or section 4511.191 or 4511.192 of the 4784
Revised Code, is immune from criminal liability and civil 4785
liability based upon a claim of assault and battery or any other 4786
claim that is not a claim of malpractice, for any act performed 4787
in withdrawing blood from the person. The immunity provided in 4788
this division also extends to an emergency medical service 4789
organization that employs an emergency medical technician- 4790

intermediate or emergency medical technician-paramedic who 4791
withdraws blood under this section. The immunity provided in 4792
this division is not available to a person who withdraws blood 4793
if the person engages in willful or wanton misconduct. 4794

As used in this division, "emergency medical technician- 4795
intermediate" and "emergency medical technician-paramedic" have 4796
the same meanings as in section 4765.01 of the Revised Code. 4797

(G) (1) Whoever violates any provision of divisions (A) (1) 4798
(a) to (i) or (A) (2) of this section is guilty of operating a 4799
vehicle under the influence of alcohol, a drug of abuse, or a 4800
combination of them. Whoever violates division (A) (1) (j) of this 4801
section is guilty of operating a vehicle while under the 4802
influence of a listed controlled substance or a listed 4803
metabolite of a controlled substance. The court shall sentence 4804
the offender for either offense under Chapter 2929. of the 4805
Revised Code, except as otherwise authorized or required by 4806
divisions (G) (1) (a) to (e) of this section: 4807

(a) Except as otherwise provided in division (G) (1) (b), 4808
(c), (d), or (e) of this section, the offender is guilty of a 4809
misdemeanor of the first degree, and the court shall sentence 4810
the offender to all of the following: 4811

(i) If the sentence is being imposed for a violation of 4812
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4813
a mandatory jail term of three consecutive days. As used in this 4814
division, three consecutive days means seventy-two consecutive 4815
hours. The court may sentence an offender to both an 4816
intervention program and a jail term. The court may impose a 4817
jail term in addition to the three-day mandatory jail term or 4818
intervention program. However, in no case shall the cumulative 4819
jail term imposed for the offense exceed six months. 4820

The court may suspend the execution of the three-day jail 4821
term under this division if the court, in lieu of that suspended 4822
term, places the offender under a community control sanction 4823
pursuant to section 2929.25 of the Revised Code and requires the 4824
offender to attend, for three consecutive days, a drivers' 4825
intervention program certified under section 5119.38 of the 4826
Revised Code. The court also may suspend the execution of any 4827
part of the three-day jail term under this division if it places 4828
the offender under a community control sanction pursuant to 4829
section 2929.25 of the Revised Code for part of the three days, 4830
requires the offender to attend for the suspended part of the 4831
term a drivers' intervention program so certified, and sentences 4832
the offender to a jail term equal to the remainder of the three 4833
consecutive days that the offender does not spend attending the 4834
program. The court may require the offender, as a condition of 4835
community control and in addition to the required attendance at 4836
a drivers' intervention program, to attend and satisfactorily 4837
complete any treatment or education programs that comply with 4838
the minimum standards adopted pursuant to Chapter 5119. of the 4839
Revised Code by the director of mental health and addiction 4840
services that the operators of the drivers' intervention program 4841
determine that the offender should attend and to report 4842
periodically to the court on the offender's progress in the 4843
programs. The court also may impose on the offender any other 4844
conditions of community control that it considers necessary. 4845

If the court grants unlimited driving privileges to a 4846
first-time offender under section 4510.022 of the Revised Code, 4847
all penalties imposed upon the offender by the court under 4848
division (G) (1) (a) (i) of this section for the offense apply, 4849
except that the court shall suspend any mandatory or additional 4850
jail term imposed by the court under division (G) (1) (a) (i) of 4851

this section upon granting unlimited driving privileges in 4852
accordance with section 4510.022 of the Revised Code. 4853

(ii) If the sentence is being imposed for a violation of 4854
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4855
section, except as otherwise provided in this division, a 4856
mandatory jail term of at least three consecutive days and a 4857
requirement that the offender attend, for three consecutive 4858
days, a drivers' intervention program that is certified pursuant 4859
to section 5119.38 of the Revised Code. As used in this 4860
division, three consecutive days means seventy-two consecutive 4861
hours. If the court determines that the offender is not 4862
conducive to treatment in a drivers' intervention program, if 4863
the offender refuses to attend a drivers' intervention program, 4864
or if the jail at which the offender is to serve the jail term 4865
imposed can provide a driver's intervention program, the court 4866
shall sentence the offender to a mandatory jail term of at least 4867
six consecutive days. 4868

If the court grants unlimited driving privileges to a 4869
first-time offender under section 4510.022 of the Revised Code, 4870
all penalties imposed upon the offender by the court under 4871
division (G)(1)(a)(ii) of this section for the offense apply, 4872
except that the court shall suspend any mandatory or additional 4873
jail term imposed by the court under division (G)(1)(a)(ii) of 4874
this section upon granting unlimited driving privileges in 4875
accordance with section 4510.022 of the Revised Code. 4876

The court may require the offender, under a community 4877
control sanction imposed under section 2929.25 of the Revised 4878
Code, to attend and satisfactorily complete any treatment or 4879
education programs that comply with the minimum standards 4880
adopted pursuant to Chapter 5119. of the Revised Code by the 4881

director of mental health and addiction services, in addition to 4882
the required attendance at drivers' intervention program, that 4883
the operators of the drivers' intervention program determine 4884
that the offender should attend and to report periodically to 4885
the court on the offender's progress in the programs. The court 4886
also may impose any other conditions of community control on the 4887
offender that it considers necessary. 4888

(iii) In all cases, a fine of not less than ~~three-five~~ 4889
hundred ~~seventy-five-sixty-five~~ and not more than one thousand 4890
seventy-five dollars; 4891

(iv) In all cases, a suspension of the offender's driver's 4892
or commercial driver's license or permit or nonresident 4893
operating privilege for a definite period of one to three years. 4894
The court may grant limited driving privileges relative to the 4895
suspension under sections 4510.021 and 4510.13 of the Revised 4896
Code. The court may grant unlimited driving privileges with an 4897
ignition interlock device relative to the suspension and may 4898
reduce the period of suspension as authorized under section 4899
4510.022 of the Revised Code. 4900

(b) Except as otherwise provided in division (G) (1) (e) of 4901
this section, an offender who, within ten years of the offense, 4902
previously has been convicted of or pleaded guilty to one 4903
violation of division (A) of this section or one other 4904
equivalent offense is guilty of a misdemeanor of the first 4905
degree. The court shall sentence the offender to all of the 4906
following: 4907

(i) If the sentence is being imposed for a violation of 4908
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 4909
a mandatory jail term of ten consecutive days. The court shall 4910
impose the ten-day mandatory jail term under this division 4911

unless, subject to division (G)(3) of this section, it instead 4912
imposes a sentence under that division consisting of both a jail 4913
term and a term of house arrest with electronic monitoring, with 4914
continuous alcohol monitoring, or with both electronic 4915
monitoring and continuous alcohol monitoring. The court may 4916
impose a jail term in addition to the ten-day mandatory jail 4917
term. The cumulative jail term imposed for the offense shall not 4918
exceed six months. 4919

In addition to the jail term or the term of house arrest 4920
with electronic monitoring or continuous alcohol monitoring or 4921
both types of monitoring and jail term, the court shall require 4922
the offender to be assessed by a community addiction services 4923
provider that is authorized by section 5119.21 of the Revised 4924
Code, subject to division (I) of this section, and shall order 4925
the offender to follow the treatment recommendations of the 4926
services provider. The purpose of the assessment is to determine 4927
the degree of the offender's alcohol usage and to determine 4928
whether or not treatment is warranted. Upon the request of the 4929
court, the services provider shall submit the results of the 4930
assessment to the court, including all treatment recommendations 4931
and clinical diagnoses related to alcohol use. 4932

(ii) If the sentence is being imposed for a violation of 4933
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4934
section, except as otherwise provided in this division, a 4935
mandatory jail term of twenty consecutive days. The court shall 4936
impose the twenty-day mandatory jail term under this division 4937
unless, subject to division (G)(3) of this section, it instead 4938
imposes a sentence under that division consisting of both a jail 4939
term and a term of house arrest with electronic monitoring, with 4940
continuous alcohol monitoring, or with both electronic 4941
monitoring and continuous alcohol monitoring. The court may 4942

impose a jail term in addition to the twenty-day mandatory jail 4943
term. The cumulative jail term imposed for the offense shall not 4944
exceed six months. 4945

In addition to the jail term or the term of house arrest 4946
with electronic monitoring or continuous alcohol monitoring or 4947
both types of monitoring and jail term, the court shall require 4948
the offender to be assessed by a community addiction service 4949
provider that is authorized by section 5119.21 of the Revised 4950
Code, subject to division (I) of this section, and shall order 4951
the offender to follow the treatment recommendations of the 4952
services provider. The purpose of the assessment is to determine 4953
the degree of the offender's alcohol usage and to determine 4954
whether or not treatment is warranted. Upon the request of the 4955
court, the services provider shall submit the results of the 4956
assessment to the court, including all treatment recommendations 4957
and clinical diagnoses related to alcohol use. 4958

(iii) In all cases, notwithstanding the fines set forth in 4959
Chapter 2929. of the Revised Code, a fine of not less than ~~five-~~ 4960
seven hundred ~~twenty-five-fifteen~~ and not more than one thousand 4961
six hundred twenty-five dollars; 4962

(iv) In all cases, a suspension of the offender's driver's 4963
license, commercial driver's license, temporary instruction 4964
permit, probationary license, or nonresident operating privilege 4965
for a definite period of one to seven years. The court may grant 4966
limited driving privileges relative to the suspension under 4967
sections 4510.021 and 4510.13 of the Revised Code. 4968

(v) In all cases, if the vehicle is registered in the 4969
offender's name, immobilization of the vehicle involved in the 4970
offense for ninety days in accordance with section 4503.233 of 4971
the Revised Code and impoundment of the license plates of that 4972

vehicle for ninety days. 4973

(c) Except as otherwise provided in division (G)(1)(e) of 4974
this section, an offender who, within ten years of the offense, 4975
previously has been convicted of or pleaded guilty to two 4976
violations of division (A) of this section or other equivalent 4977
offenses is guilty of a misdemeanor. The court shall sentence 4978
the offender to all of the following: 4979

(i) If the sentence is being imposed for a violation of 4980
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 4981
a mandatory jail term of thirty consecutive days. The court 4982
shall impose the thirty-day mandatory jail term under this 4983
division unless, subject to division (G)(3) of this section, it 4984
instead imposes a sentence under that division consisting of 4985
both a jail term and a term of house arrest with electronic 4986
monitoring, with continuous alcohol monitoring, or with both 4987
electronic monitoring and continuous alcohol monitoring. The 4988
court may impose a jail term in addition to the thirty-day 4989
mandatory jail term. Notwithstanding the jail terms set forth in 4990
sections 2929.21 to 2929.28 of the Revised Code, the additional 4991
jail term shall not exceed one year, and the cumulative jail 4992
term imposed for the offense shall not exceed one year. 4993

(ii) If the sentence is being imposed for a violation of 4994
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 4995
section, a mandatory jail term of sixty consecutive days. The 4996
court shall impose the sixty-day mandatory jail term under this 4997
division unless, subject to division (G)(3) of this section, it 4998
instead imposes a sentence under that division consisting of 4999
both a jail term and a term of house arrest with electronic 5000
monitoring, with continuous alcohol monitoring, or with both 5001
electronic monitoring and continuous alcohol monitoring. The 5002

court may impose a jail term in addition to the sixty-day 5003
mandatory jail term. Notwithstanding the jail terms set forth in 5004
sections 2929.21 to 2929.28 of the Revised Code, the additional 5005
jail term shall not exceed one year, and the cumulative jail 5006
term imposed for the offense shall not exceed one year. 5007

(iii) In all cases, notwithstanding the fines set forth in 5008
Chapter 2929. of the Revised Code, a fine of not less than ~~eight-~~ 5009
~~hundred fifty-one thousand forty~~ and not more than two thousand 5010
seven hundred fifty dollars; 5011

(iv) In all cases, a suspension of the offender's driver's 5012
license, commercial driver's license, temporary instruction 5013
permit, probationary license, or nonresident operating privilege 5014
for a definite period of two to twelve years. The court may 5015
grant limited driving privileges relative to the suspension 5016
under sections 4510.021 and 4510.13 of the Revised Code. 5017

(v) In all cases, if the vehicle is registered in the 5018
offender's name, criminal forfeiture of the vehicle involved in 5019
the offense in accordance with section 4503.234 of the Revised 5020
Code. Division (G)(6) of this section applies regarding any 5021
vehicle that is subject to an order of criminal forfeiture under 5022
this division. 5023

(vi) In all cases, the court shall order the offender to 5024
participate with a community addiction services provider 5025
authorized by section 5119.21 of the Revised Code, subject to 5026
division (I) of this section, and shall order the offender to 5027
follow the treatment recommendations of the services provider. 5028
The operator of the services provider shall determine and assess 5029
the degree of the offender's alcohol dependency and shall make 5030
recommendations for treatment. Upon the request of the court, 5031
the services provider shall submit the results of the assessment 5032

to the court, including all treatment recommendations and 5033
clinical diagnoses related to alcohol use. 5034

(d) Except as otherwise provided in division (G)(1)(e) of 5035
this section, an offender who, within ten years of the offense, 5036
previously has been convicted of or pleaded guilty to three or 5037
four violations of division (A) of this section or other 5038
equivalent offenses, an offender who, within twenty years of the 5039
offense, previously has been convicted of or pleaded guilty to 5040
five or more violations of that nature, or an offender who 5041
previously has been convicted of or pleaded guilty to a 5042
specification of the type described in section 2941.1413 of the 5043
Revised Code, is guilty of a felony of the fourth degree. The 5044
court shall sentence the offender to all of the following: 5045

(i) If the sentence is being imposed for a violation of 5046
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5047
a mandatory prison term of one, two, three, four, or five years 5048
as required by and in accordance with division (G)(2) of section 5049
2929.13 of the Revised Code if the offender also is convicted of 5050
or also pleads guilty to a specification of the type described 5051
in section 2941.1413 of the Revised Code or, in the discretion 5052
of the court, either a mandatory term of local incarceration of 5053
sixty consecutive days in accordance with division (G)(1) of 5054
section 2929.13 of the Revised Code or a mandatory prison term 5055
of sixty consecutive days in accordance with division (G)(2) of 5056
that section if the offender is not convicted of and does not 5057
plead guilty to a specification of that type. If the court 5058
imposes a mandatory term of local incarceration, it may impose a 5059
jail term in addition to the sixty-day mandatory term, the 5060
cumulative total of the mandatory term and the jail term for the 5061
offense shall not exceed one year, and, except as provided in 5062
division (A)(1) of section 2929.13 of the Revised Code, no 5063

prison term is authorized for the offense. If the court imposes 5064
a mandatory prison term, notwithstanding division (A) (4) of 5065
section 2929.14 of the Revised Code, it also may sentence the 5066
offender to a definite prison term that shall be not less than 5067
six months and not more than thirty months and the prison terms 5068
shall be imposed as described in division (G) (2) of section 5069
2929.13 of the Revised Code. If the court imposes a mandatory 5070
prison term or mandatory prison term and additional prison term, 5071
in addition to the term or terms so imposed, the court also may 5072
sentence the offender to a community control sanction for the 5073
offense, but the offender shall serve all of the prison terms so 5074
imposed prior to serving the community control sanction. 5075

(ii) If the sentence is being imposed for a violation of 5076
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 5077
section, a mandatory prison term of one, two, three, four, or 5078
five years as required by and in accordance with division (G) (2) 5079
of section 2929.13 of the Revised Code if the offender also is 5080
convicted of or also pleads guilty to a specification of the 5081
type described in section 2941.1413 of the Revised Code or, in 5082
the discretion of the court, either a mandatory term of local 5083
incarceration of one hundred twenty consecutive days in 5084
accordance with division (G) (1) of section 2929.13 of the 5085
Revised Code or a mandatory prison term of one hundred twenty 5086
consecutive days in accordance with division (G) (2) of that 5087
section if the offender is not convicted of and does not plead 5088
guilty to a specification of that type. If the court imposes a 5089
mandatory term of local incarceration, it may impose a jail term 5090
in addition to the one hundred twenty-day mandatory term, the 5091
cumulative total of the mandatory term and the jail term for the 5092
offense shall not exceed one year, and, except as provided in 5093
division (A) (1) of section 2929.13 of the Revised Code, no 5094

prison term is authorized for the offense. If the court imposes 5095
a mandatory prison term, notwithstanding division (A) (4) of 5096
section 2929.14 of the Revised Code, it also may sentence the 5097
offender to a definite prison term that shall be not less than 5098
six months and not more than thirty months and the prison terms 5099
shall be imposed as described in division (G) (2) of section 5100
2929.13 of the Revised Code. If the court imposes a mandatory 5101
prison term or mandatory prison term and additional prison term, 5102
in addition to the term or terms so imposed, the court also may 5103
sentence the offender to a community control sanction for the 5104
offense, but the offender shall serve all of the prison terms so 5105
imposed prior to serving the community control sanction. 5106

(iii) In all cases, notwithstanding section 2929.18 of the 5107
Revised Code, a fine of not less than one thousand ~~three~~five 5108
hundred ~~fifty~~forty nor more than ten thousand five hundred 5109
dollars; 5110

(iv) In all cases, a class two license suspension of the 5111
offender's driver's license, commercial driver's license, 5112
temporary instruction permit, probationary license, or 5113
nonresident operating privilege from the range specified in 5114
division (A) (2) of section 4510.02 of the Revised Code. The 5115
court may grant limited driving privileges relative to the 5116
suspension under sections 4510.021 and 4510.13 of the Revised 5117
Code. 5118

(v) In all cases, if the vehicle is registered in the 5119
offender's name, criminal forfeiture of the vehicle involved in 5120
the offense in accordance with section 4503.234 of the Revised 5121
Code. Division (G) (6) of this section applies regarding any 5122
vehicle that is subject to an order of criminal forfeiture under 5123
this division. 5124

(vi) In all cases, the court shall order the offender to 5125
participate with a community addiction services provider 5126
authorized by section 5119.21 of the Revised Code, subject to 5127
division (I) of this section, and shall order the offender to 5128
follow the treatment recommendations of the services provider. 5129
The operator of the services provider shall determine and assess 5130
the degree of the offender's alcohol dependency and shall make 5131
recommendations for treatment. Upon the request of the court, 5132
the services provider shall submit the results of the assessment 5133
to the court, including all treatment recommendations and 5134
clinical diagnoses related to alcohol use. 5135

(vii) In all cases, if the court sentences the offender to 5136
a mandatory term of local incarceration, in addition to the 5137
mandatory term, the court, pursuant to section 2929.17 of the 5138
Revised Code, may impose a term of house arrest with electronic 5139
monitoring. The term shall not commence until after the offender 5140
has served the mandatory term of local incarceration. 5141

(e) An offender who previously has been convicted of or 5142
pleaded guilty to a violation of division (A) of this section 5143
that was a felony, regardless of when the violation and the 5144
conviction or guilty plea occurred, is guilty of a felony of the 5145
third degree. The court shall sentence the offender to all of 5146
the following: 5147

(i) If the offender is being sentenced for a violation of 5148
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 5149
a mandatory prison term of one, two, three, four, or five years 5150
as required by and in accordance with division (G)(2) of section 5151
2929.13 of the Revised Code if the offender also is convicted of 5152
or also pleads guilty to a specification of the type described 5153
in section 2941.1413 of the Revised Code or a mandatory prison 5154

term of sixty consecutive days in accordance with division (G) 5155
(2) of section 2929.13 of the Revised Code if the offender is 5156
not convicted of and does not plead guilty to a specification of 5157
that type. The court may impose a prison term in addition to the 5158
mandatory prison term. The cumulative total of a sixty-day 5159
mandatory prison term and the additional prison term for the 5160
offense shall not exceed five years. In addition to the 5161
mandatory prison term or mandatory prison term and additional 5162
prison term the court imposes, the court also may sentence the 5163
offender to a community control sanction for the offense, but 5164
the offender shall serve all of the prison terms so imposed 5165
prior to serving the community control sanction. 5166

(ii) If the sentence is being imposed for a violation of 5167
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 5168
section, a mandatory prison term of one, two, three, four, or 5169
five years as required by and in accordance with division (G)(2) 5170
of section 2929.13 of the Revised Code if the offender also is 5171
convicted of or also pleads guilty to a specification of the 5172
type described in section 2941.1413 of the Revised Code or a 5173
mandatory prison term of one hundred twenty consecutive days in 5174
accordance with division (G)(2) of section 2929.13 of the 5175
Revised Code if the offender is not convicted of and does not 5176
plead guilty to a specification of that type. The court may 5177
impose a prison term in addition to the mandatory prison term. 5178
The cumulative total of a one hundred twenty-day mandatory 5179
prison term and the additional prison term for the offense shall 5180
not exceed five years. In addition to the mandatory prison term 5181
or mandatory prison term and additional prison term the court 5182
imposes, the court also may sentence the offender to a community 5183
control sanction for the offense, but the offender shall serve 5184
all of the prison terms so imposed prior to serving the 5185

community control sanction. 5186

(iii) In all cases, notwithstanding section 2929.18 of the 5187
Revised Code, a fine of not less than one thousand ~~three~~five 5188
hundred ~~fifty~~forty nor more than ten thousand five hundred 5189
dollars; 5190

(iv) In all cases, a class two license suspension of the 5191
offender's driver's license, commercial driver's license, 5192
temporary instruction permit, probationary license, or 5193
nonresident operating privilege from the range specified in 5194
division (A)(2) of section 4510.02 of the Revised Code. The 5195
court may grant limited driving privileges relative to the 5196
suspension under sections 4510.021 and 4510.13 of the Revised 5197
Code. 5198

(v) In all cases, if the vehicle is registered in the 5199
offender's name, criminal forfeiture of the vehicle involved in 5200
the offense in accordance with section 4503.234 of the Revised 5201
Code. Division (G)(6) of this section applies regarding any 5202
vehicle that is subject to an order of criminal forfeiture under 5203
this division. 5204

(vi) In all cases, the court shall order the offender to 5205
participate with a community addiction services provider 5206
authorized by section 5119.21 of the Revised Code, subject to 5207
division (I) of this section, and shall order the offender to 5208
follow the treatment recommendations of the services provider. 5209
The operator of the services provider shall determine and assess 5210
the degree of the offender's alcohol dependency and shall make 5211
recommendations for treatment. Upon the request of the court, 5212
the services provider shall submit the results of the assessment 5213
to the court, including all treatment recommendations and 5214
clinical diagnoses related to alcohol use. 5215

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

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

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

As an alternative to the mandatory jail term of twenty 5247
consecutive days required by division (G) (1) (b) (ii) of this 5248
section, the court, under this division, may sentence the 5249
offender to ten consecutive days in jail and not less than 5250
thirty-six consecutive days of house arrest with electronic 5251
monitoring, with continuous alcohol monitoring, or with both 5252
electronic monitoring and continuous alcohol monitoring. The 5253
cumulative total of the ten consecutive days in jail and the 5254
period of house arrest with electronic monitoring, continuous 5255
alcohol monitoring, or both types of monitoring shall not exceed 5256
six months. The ten consecutive days in jail do not have to be 5257
served prior to or consecutively to the period of house arrest. 5258

As an alternative to a mandatory jail term of thirty 5259
consecutive days required by division (G) (1) (c) (i) of this 5260
section, the court, under this division, may sentence the 5261
offender to fifteen consecutive days in jail and not less than 5262
fifty-five consecutive days of house arrest with electronic 5263
monitoring, with continuous alcohol monitoring, or with both 5264
electronic monitoring and continuous alcohol monitoring. The 5265
cumulative total of the fifteen consecutive days in jail and the 5266
period of house arrest with electronic monitoring, continuous 5267
alcohol monitoring, or both types of monitoring shall not exceed 5268
one year. The fifteen consecutive days in jail do not have to be 5269
served prior to or consecutively to the period of house arrest. 5270

As an alternative to the mandatory jail term of sixty 5271
consecutive days required by division (G) (1) (c) (ii) of this 5272
section, the court, under this division, may sentence the 5273
offender to thirty consecutive days in jail and not less than 5274
one hundred ten consecutive days of house arrest with electronic 5275
monitoring, with continuous alcohol monitoring, or with both 5276
electronic monitoring and continuous alcohol monitoring. The 5277

cumulative total of the thirty consecutive days in jail and the 5278
period of house arrest with electronic monitoring, continuous 5279
alcohol monitoring, or both types of monitoring shall not exceed 5280
one year. The thirty consecutive days in jail do not have to be 5281
served prior to or consecutively to the period of house arrest. 5282

(4) If an offender's driver's or occupational driver's 5283
license or permit or nonresident operating privilege is 5284
suspended under division (G) of this section and if section 5285
4510.13 of the Revised Code permits the court to grant limited 5286
driving privileges, the court may grant the limited driving 5287
privileges in accordance with that section. If division (A) (7) 5288
of that section requires that the court impose as a condition of 5289
the privileges that the offender must display on the vehicle 5290
that is driven subject to the privileges restricted license 5291
plates that are issued under section 4503.231 of the Revised 5292
Code, except as provided in division (B) of that section, the 5293
court shall impose that condition as one of the conditions of 5294
the limited driving privileges granted to the offender, except 5295
as provided in division (B) of section 4503.231 of the Revised 5296
Code. 5297

(5) Fines imposed under this section for a violation of 5298
division (A) of this section shall be distributed as follows: 5299

(a) Twenty-five dollars of the fine imposed under division 5300
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 5301
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 5302
fine imposed under division (G) (1) (c) (iii), and two hundred ten 5303
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 5304
(iii) of this section shall be paid to an enforcement and 5305
education fund established by the legislative authority of the 5306
law enforcement agency in this state that primarily was 5307

responsible for the arrest of the offender, as determined by the court that imposes the fine. The agency shall use this share to pay only those costs it incurs in enforcing this section or a municipal OVI ordinance and in informing the public of the laws governing the operation of a vehicle while under the influence of alcohol, the dangers of the operation of a vehicle under the influence of alcohol, and other information relating to the operation of a vehicle under the influence of alcohol and the consumption of alcoholic beverages.

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

(c) Twenty-five dollars of the fine imposed under division (G) (1) (a) (iii) and fifty dollars of the fine imposed under division (G) (1) (b) (iii) of this section shall be deposited into the county or municipal indigent drivers' alcohol treatment fund under the control of that court, as created by the county or

municipal corporation under division ~~(F)~~(H) of section 4511.191 5339
of the Revised Code. 5340

(d) One hundred fifteen dollars of the fine imposed under 5341
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 5342
the fine imposed under division (G) (1) (c) (iii), and four hundred 5343
forty dollars of the fine imposed under division (G) (1) (d) (iii) 5344
or (e) (iii) of this section shall be paid to the political 5345
subdivision that pays the cost of housing the offender during 5346
the offender's term of incarceration. The political subdivision 5347
shall use this share to pay or reimburse incarceration or 5348
treatment costs it incurs in housing or providing drug and 5349
alcohol treatment to persons who violate this section or a 5350
municipal OVI ordinance, costs for any immobilizing or disabling 5351
device used on the offender's vehicle, and costs of electronic 5352
house arrest equipment needed for persons who violate this 5353
section. 5354

(e) ~~Fifty~~One hundred twenty-five dollars of the fine 5355
imposed under divisions (G) (1) (a) (iii), (G) (1) (b) (iii), (G) (1) 5356
(c) (iii), (G) (1) (d) (iii), and (G) (1) (e) (iii) of this section 5357
shall be deposited into the special projects fund of the court 5358
in which the offender was convicted and that is established 5359
under division (E) (1) of section 2303.201, division (B) (1) of 5360
section 1901.26, or division (B) (1) of section 1907.24 of the 5361
Revised Code, to be used exclusively to cover the cost of 5362
immobilizing or disabling devices, including certified ignition 5363
interlock devices, and remote alcohol monitoring devices for 5364
indigent offenders who are required by a judge to use either of 5365
these devices. If the court in which the offender was convicted 5366
does not have a special projects fund that is established under 5367
division (E) (1) of section 2303.201, division (B) (1) of section 5368
1901.26, or division (B) (1) of section 1907.24 of the Revised 5369

Code, the ~~fifty-one hundred twenty-five~~ dollars shall be 5370
deposited into the indigent drivers interlock and alcohol 5371
monitoring fund under division (I) of section 4511.191 of the 5372
Revised Code. 5373

(f) Seventy-five dollars of the fine imposed under 5374
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 5375
fine imposed under division (G) (1) (b) (iii), two hundred fifty 5376
dollars of the fine imposed under division (G) (1) (c) (iii), and 5377
five hundred dollars of the fine imposed under division (G) (1) 5378
(d) (iii) or (e) (iii) of this section shall be transmitted to the 5379
treasurer of state for deposit into the indigent defense support 5380
fund established under section 120.08 of the Revised Code. 5381

(g) One hundred fifteen dollars shall be credited to the 5382
statewide treatment and prevention fund created by section 5383
4301.30 of the Revised Code. Money credited to the fund under 5384
this section shall be used for purposes identified under section 5385
5119.22 of the Revised Code. 5386

(h) The balance of the fine imposed under division (G) (1) 5387
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 5388
section shall be disbursed as otherwise provided by law. 5389

(6) If title to a motor vehicle that is subject to an 5390
order of criminal forfeiture under division (G) (1) (c), (d), or 5391
(e) of this section is assigned or transferred and division (B) 5392
(2) or (3) of section 4503.234 of the Revised Code applies, in 5393
addition to or independent of any other penalty established by 5394
law, the court may fine the offender the value of the vehicle as 5395
determined by publications of the national automobile dealers 5396
association. The proceeds of any fine so imposed shall be 5397
distributed in accordance with division (C) (2) of that section. 5398

(7) In all cases in which an offender is sentenced under 5399
division (G) of this section, the offender shall provide the 5400
court with proof of financial responsibility as defined in 5401
section 4509.01 of the Revised Code. If the offender fails to 5402
provide that proof of financial responsibility, the court, in 5403
addition to any other penalties provided by law, may order 5404
restitution pursuant to section 2929.18 or 2929.28 of the 5405
Revised Code in an amount not exceeding five thousand dollars 5406
for any economic loss arising from an accident or collision that 5407
was the direct and proximate result of the offender's operation 5408
of the vehicle before, during, or after committing the offense 5409
for which the offender is sentenced under division (G) of this 5410
section. 5411

(8) A court may order an offender to reimburse a law 5412
enforcement agency for any costs incurred by the agency with 5413
respect to a chemical test or tests administered to the offender 5414
if all of the following apply: 5415

(a) The offender is convicted of or pleads guilty to a 5416
violation of division (A) of this section. 5417

(b) The test or tests were of the offender's whole blood, 5418
blood serum or plasma, oral fluid, or urine. 5419

(c) The test or tests indicated that the offender had ~~a~~ 5420
one of the following at the time of the offense: 5421

(i) A prohibited concentration of a controlled substance 5422
or a metabolite of a controlled substance in the offender's 5423
whole blood, blood serum or plasma, or urine ~~at the time of the~~ 5424
~~offense;~~ 5425

(ii) A drug of abuse or a metabolite of a drug of abuse in 5426
the offender's oral fluid. 5427

(9) A court may warn any person who is convicted of or who pleads guilty to a violation of division (A) of this section or an equivalent offense that a subsequent violation of this section or an equivalent offense that results in the death of another or the unlawful termination of another's pregnancy may result in the person being guilty of aggravated vehicular homicide under section 2903.06 of the Revised Code. The court may warn the person of the applicable penalties for that violation under sections 2903.06 and 2929.142 of the Revised Code.

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

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

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

4510.022 of the Revised Code. If the court grants unlimited 5458
driving privileges under section 4510.022 of the Revised Code, 5459
the court shall suspend any jail term imposed under division (H) 5460
(1) of this section as required under that section. 5461

(2) If, within one year of the offense, the offender 5462
previously has been convicted of or pleaded guilty to one or 5463
more violations of division (A) of this section or other 5464
equivalent offenses, the offender is guilty of a misdemeanor of 5465
the third degree. In addition to any other sanction imposed for 5466
the offense, the court shall impose a class four suspension of 5467
the offender's driver's license, commercial driver's license, 5468
temporary instruction permit, probationary license, or 5469
nonresident operating privilege from the range specified in 5470
division (A)(4) of section 4510.02 of the Revised Code. The 5471
court may grant limited driving privileges relative to the 5472
suspension under sections 4510.021 and 4510.13 of the Revised 5473
Code. 5474

(3) The offender shall provide the court with proof of 5475
financial responsibility as defined in section 4509.01 of the 5476
Revised Code. If the offender fails to provide that proof of 5477
financial responsibility, then, in addition to any other 5478
penalties provided by law, the court may order restitution 5479
pursuant to section 2929.28 of the Revised Code in an amount not 5480
exceeding five thousand dollars for any economic loss arising 5481
from an accident or collision that was the direct and proximate 5482
result of the offender's operation of the vehicle before, 5483
during, or after committing the violation of division (B) of 5484
this section. 5485

(I) (1) No court shall sentence an offender to an alcohol 5486
treatment program under this section unless the treatment 5487

program complies with the minimum standards for alcohol 5488
treatment programs adopted under Chapter 5119. of the Revised 5489
Code by the director of mental health and addiction services. 5490

(2) An offender who stays in a drivers' intervention 5491
program or in an alcohol treatment program under an order issued 5492
under this section shall pay the cost of the stay in the 5493
program. However, if the court determines that an offender who 5494
stays in an alcohol treatment program under an order issued 5495
under this section is unable to pay the cost of the stay in the 5496
program, the court may order that the cost be paid from the 5497
court's indigent drivers' alcohol treatment fund. 5498

(J) If a person whose driver's or commercial driver's 5499
license or permit or nonresident operating privilege is 5500
suspended under this section files an appeal regarding any 5501
aspect of the person's trial or sentence, the appeal itself does 5502
not stay the operation of the suspension. 5503

(K) Division (A)(1)(j) of this section does not apply to a 5504
person who operates a vehicle, streetcar, or trackless trolley 5505
while the person has a concentration of a listed controlled 5506
substance or a listed metabolite of a controlled substance in 5507
the person's whole blood, blood serum or plasma, or urine that 5508
equals or exceeds the amount specified in that division, if both 5509
of the following apply: 5510

(1) The person obtained the controlled substance pursuant 5511
to a prescription issued by a licensed health professional 5512
authorized to prescribe drugs. 5513

(2) The person injected, ingested, or inhaled the 5514
controlled substance in accordance with the health 5515
professional's directions. 5516

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

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

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

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

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

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

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available

to monitor the concentration of alcohol in a person's system, or 5546
any other device that provides for the automatic testing and 5547
periodic reporting of alcohol consumption by a person and that a 5548
court orders a person to use as a sanction imposed as a result 5549
of the person's conviction of or plea of guilty to an offense. 5550

(c) "Community addiction services provider" has the same 5551
meaning as in section 5119.01 of the Revised Code. 5552

(2) Any person who operates a vehicle, streetcar, or 5553
trackless trolley upon a highway or any public or private 5554
property used by the public for vehicular travel or parking 5555
within this state or who is in physical control of a vehicle, 5556
streetcar, or trackless trolley shall be deemed to have given 5557
consent to a chemical test or tests of the person's whole blood, 5558
blood serum or plasma, breath, oral fluid, or urine to determine 5559
the alcohol, drug of abuse, controlled substance, metabolite of 5560
a controlled substance, or combination content of the person's 5561
whole blood, blood serum or plasma, breath, oral fluid, or urine 5562
if arrested for a violation of division (A) or (B) of section 5563
4511.19 of the Revised Code, section 4511.194 of the Revised 5564
Code or a substantially equivalent municipal ordinance, or a 5565
municipal OVI ordinance. 5566

(3) The chemical test or tests under division (A) (2) of 5567
this section shall be administered at the request of a law 5568
enforcement officer having reasonable grounds to believe the 5569
person was operating or in physical control of a vehicle, 5570
streetcar, or trackless trolley in violation of a division, 5571
section, or ordinance identified in division (A) (2) of this 5572
section. The law enforcement agency by which the officer is 5573
employed shall designate which of the tests shall be 5574
administered. 5575

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

(5) (a) If a law enforcement officer arrests a person for a
violation of division (A) or (B) of section 4511.19 of the
Revised Code, section 4511.194 of the Revised Code or a
substantially equivalent municipal ordinance, or a municipal OVI
ordinance and if the person if convicted would be required to be
sentenced under division (G) (1) (c), (d), or (e) of section
4511.19 of the Revised Code, the law enforcement officer shall
request the person to submit, and the person shall submit, to a
chemical test or tests of the person's whole blood, blood serum
or plasma, breath, oral fluid, or urine for the purpose of
determining the alcohol, drug of abuse, controlled substance,
metabolite of a controlled substance, or combination content of
the person's whole blood, blood serum or plasma, breath, oral
fluid, or urine. A law enforcement officer who makes a request
pursuant to this division that a person submit to a chemical
test or tests is not required to advise the person of the
consequences of submitting to, or refusing to submit to, the
test or tests and is not required to give the person the form
described in division (B) of section 4511.192 of the Revised
Code, but the officer shall advise the person at the time of the
arrest that if the person refuses to take a chemical test the
officer may employ whatever reasonable means are necessary to
ensure that the person submits to a chemical test of the
person's whole blood or blood serum or plasma. The officer shall
also advise the person at the time of the arrest that the person

may have an independent chemical test taken at the person's own 5607
expense. Divisions (A) (3) and (4) of this section apply to the 5608
administration of a chemical test or tests pursuant to this 5609
division. 5610

(b) If a person refuses to submit to a chemical test upon 5611
a request made pursuant to division (A) (5) (a) of this section, 5612
the law enforcement officer who made the request may employ 5613
whatever reasonable means are necessary to ensure that the 5614
person submits to a chemical test of the person's whole blood or 5615
blood serum or plasma. A law enforcement officer who acts 5616
pursuant to this division to ensure that a person submits to a 5617
chemical test of the person's whole blood or blood serum or 5618
plasma is immune from criminal and civil liability based upon a 5619
claim for assault and battery or any other claim for the acts, 5620
unless the officer so acted with malicious purpose, in bad 5621
faith, or in a wanton or reckless manner. 5622

(B) (1) Upon receipt of the sworn report of a law 5623
enforcement officer who arrested a person for a violation of 5624
division (A) or (B) of section 4511.19 of the Revised Code, 5625
section 4511.194 of the Revised Code or a substantially 5626
equivalent municipal ordinance, or a municipal OVI ordinance 5627
that was completed and sent to the registrar of motor vehicles 5628
and a court pursuant to section 4511.192 of the Revised Code in 5629
regard to a person who refused to take the designated chemical 5630
test, the registrar shall enter into the registrar's records the 5631
fact that the person's driver's or commercial driver's license 5632
or permit or nonresident operating privilege was suspended by 5633
the arresting officer under this division and that section and 5634
the period of the suspension, as determined under this section. 5635
The suspension shall be subject to appeal as provided in section 5636
4511.197 of the Revised Code. The suspension shall be for 5637

whichever of the following periods applies: 5638

(a) Except when division (B) (1) (b), (c), or (d) of this 5639
section applies and specifies a different class or length of 5640
suspension, the suspension shall be a class C suspension for the 5641
period of time specified in division (B) (3) of section 4510.02 5642
of the Revised Code. 5643

(b) If the arrested person, within ten years of the date 5644
on which the person refused the request to consent to the 5645
chemical test, had refused one previous request to consent to a 5646
chemical test or had been convicted of or pleaded guilty to one 5647
violation of division (A) of section 4511.19 of the Revised Code 5648
or one other equivalent offense, the suspension shall be a class 5649
B suspension imposed for the period of time specified in 5650
division (B) (2) of section 4510.02 of the Revised Code. 5651

(c) If the arrested person, within ten years of the date 5652
on which the person refused the request to consent to the 5653
chemical test, had refused two previous requests to consent to a 5654
chemical test, had been convicted of or pleaded guilty to two 5655
violations of division (A) of section 4511.19 of the Revised 5656
Code or other equivalent offenses, or had refused one previous 5657
request to consent to a chemical test and also had been 5658
convicted of or pleaded guilty to one violation of division (A) 5659
of section 4511.19 of the Revised Code or other equivalent 5660
offenses, which violation or offense arose from an incident 5661
other than the incident that led to the refusal, the suspension 5662
shall be a class A suspension imposed for the period of time 5663
specified in division (B) (1) of section 4510.02 of the Revised 5664
Code. 5665

(d) If the arrested person, within ten years of the date 5666
on which the person refused the request to consent to the 5667

chemical test, had refused three or more previous requests to 5668
consent to a chemical test, had been convicted of or pleaded 5669
guilty to three or more violations of division (A) of section 5670
4511.19 of the Revised Code or other equivalent offenses, or had 5671
refused a number of previous requests to consent to a chemical 5672
test and also had been convicted of or pleaded guilty to a 5673
number of violations of division (A) of section 4511.19 of the 5674
Revised Code or other equivalent offenses that cumulatively 5675
total three or more such refusals, convictions, and guilty 5676
pleas, the suspension shall be for five years. 5677

(2) The registrar shall terminate a suspension of the 5678
driver's or commercial driver's license or permit of a resident 5679
or of the operating privilege of a nonresident, or a denial of a 5680
driver's or commercial driver's license or permit, imposed 5681
pursuant to division (B)(1) of this section upon receipt of 5682
notice that the person has entered a plea of guilty to, or that 5683
the person has been convicted after entering a plea of no 5684
contest to, operating a vehicle in violation of section 4511.19 5685
of the Revised Code or in violation of a municipal OVI 5686
ordinance, if the offense for which the conviction is had or the 5687
plea is entered arose from the same incident that led to the 5688
suspension or denial. 5689

The registrar shall credit against any judicial suspension 5690
of a person's driver's or commercial driver's license or permit 5691
or nonresident operating privilege imposed pursuant to section 5692
4511.19 of the Revised Code, or pursuant to section 4510.07 of 5693
the Revised Code for a violation of a municipal OVI ordinance, 5694
any time during which the person serves a related suspension 5695
imposed pursuant to division (B)(1) of this section. 5696

(C) (1) Upon receipt of the sworn report of the law 5697

enforcement officer who arrested a person for a violation of 5698
division (A) or (B) of section 4511.19 of the Revised Code or a 5699
municipal OVI ordinance that was completed and sent to the 5700
registrar and a court pursuant to section 4511.192 of the 5701
Revised Code in regard to a person whose test results indicate 5702
that the person's whole blood, blood serum or plasma, breath, or 5703
urine contained at least the concentration of alcohol specified 5704
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 5705
the Revised Code or at least the concentration of a listed 5706
controlled substance or a listed metabolite of a controlled 5707
substance specified in division (A) (1) (j) of section 4511.19 of 5708
the Revised Code, the registrar shall enter into the registrar's 5709
records the fact that the person's driver's or commercial 5710
driver's license or permit or nonresident operating privilege 5711
was suspended by the arresting officer under this division and 5712
section 4511.192 of the Revised Code and the period of the 5713
suspension, as determined under divisions (C) (1) (a) to (d) of 5714
this section. The suspension shall be subject to appeal as 5715
provided in section 4511.197 of the Revised Code. The suspension 5716
described in this division does not apply to, and shall not be 5717
imposed upon, a person arrested for a violation of section 5718
4511.194 of the Revised Code or a substantially equivalent 5719
municipal ordinance who submits to a designated chemical test. 5720
The suspension shall be for whichever of the following periods 5721
applies: 5722

(a) Except when division (C) (1) (b), (c), or (d) of this 5723
section applies and specifies a different period, the suspension 5724
shall be a class E suspension imposed for the period of time 5725
specified in division (B) (5) of section 4510.02 of the Revised 5726
Code. 5727

(b) The suspension shall be a class C suspension for the 5728

period of time specified in division (B) (3) of section 4510.02 5729
of the Revised Code if the person has been convicted of or 5730
pleaded guilty to, within ten years of the date the test was 5731
conducted, one violation of division (A) of section 4511.19 of 5732
the Revised Code or one other equivalent offense. 5733

(c) If, within ten years of the date the test was 5734
conducted, the person has been convicted of or pleaded guilty to 5735
two violations of a statute or ordinance described in division 5736
(C) (1) (b) of this section, the suspension shall be a class B 5737
suspension imposed for the period of time specified in division 5738
(B) (2) of section 4510.02 of the Revised Code. 5739

(d) If, within ten years of the date the test was 5740
conducted, the person has been convicted of or pleaded guilty to 5741
more than two violations of a statute or ordinance described in 5742
division (C) (1) (b) of this section, the suspension shall be a 5743
class A suspension imposed for the period of time specified in 5744
division (B) (1) of section 4510.02 of the Revised Code. 5745

(2) The registrar shall terminate a suspension of the 5746
driver's or commercial driver's license or permit of a resident 5747
or of the operating privilege of a nonresident, or a denial of a 5748
driver's or commercial driver's license or permit, imposed 5749
pursuant to division (C) (1) of this section upon receipt of 5750
notice that the person has entered a plea of guilty to, or that 5751
the person has been convicted after entering a plea of no 5752
contest to, operating a vehicle in violation of section 4511.19 5753
of the Revised Code or in violation of a municipal OVI 5754
ordinance, if the offense for which the conviction is had or the 5755
plea is entered arose from the same incident that led to the 5756
suspension or denial. 5757

The registrar shall credit against any judicial suspension 5758

of a person's driver's or commercial driver's license or permit 5759
or nonresident operating privilege imposed pursuant to section 5760
4511.19 of the Revised Code, or pursuant to section 4510.07 of 5761
the Revised Code for a violation of a municipal OVI ordinance, 5762
any time during which the person serves a related suspension 5763
imposed pursuant to division (C) (1) of this section. 5764

(D) (1) A suspension of a person's driver's or commercial 5765
driver's license or permit or nonresident operating privilege 5766
under this section for the time described in division (B) or (C) 5767
of this section is effective immediately from the time at which 5768
the arresting officer serves the notice of suspension upon the 5769
arrested person. Any subsequent finding that the person is not 5770
guilty of the charge that resulted in the person being requested 5771
to take the chemical test or tests under division (A) of this 5772
section does not affect the suspension. 5773

(2) If a person is arrested for operating a vehicle, 5774
streetcar, or trackless trolley in violation of division (A) or 5775
(B) of section 4511.19 of the Revised Code or a municipal OVI 5776
ordinance, or for being in physical control of a vehicle, 5777
streetcar, or trackless trolley in violation of section 4511.194 5778
of the Revised Code or a substantially equivalent municipal 5779
ordinance, regardless of whether the person's driver's or 5780
commercial driver's license or permit or nonresident operating 5781
privilege is or is not suspended under division (B) or (C) of 5782
this section or Chapter 4510. of the Revised Code, the person's 5783
initial appearance on the charge resulting from the arrest shall 5784
be held within five days of the person's arrest or the issuance 5785
of the citation to the person, subject to any continuance 5786
granted by the court pursuant to section 4511.197 of the Revised 5787
Code regarding the issues specified in that division. 5788

(E) When it finally has been determined under the 5789
procedures of this section and sections 4511.192 to 4511.197 of 5790
the Revised Code that a nonresident's privilege to operate a 5791
vehicle within this state has been suspended, the registrar 5792
shall give information in writing of the action taken to the 5793
motor vehicle administrator of the state of the person's 5794
residence and of any state in which the person has a license. 5795

(F) At the end of a suspension period under this section, 5796
under section 4511.194, section 4511.196, or division (G) of 5797
section 4511.19 of the Revised Code, or under section 4510.07 of 5798
the Revised Code for a violation of a municipal OVI ordinance 5799
and upon the request of the person whose driver's or commercial 5800
driver's license or permit was suspended and who is not 5801
otherwise subject to suspension, cancellation, or 5802
disqualification, the registrar shall return the driver's or 5803
commercial driver's license or permit to the person upon the 5804
occurrence of all of the conditions specified in divisions (F) 5805
(1) and (2) of this section: 5806

(1) A showing that the person has proof of financial 5807
responsibility, a policy of liability insurance in effect that 5808
meets the minimum standards set forth in section 4509.51 of the 5809
Revised Code, or proof, to the satisfaction of the registrar, 5810
that the person is able to respond in damages in an amount at 5811
least equal to the minimum amounts specified in section 4509.51 5812
of the Revised Code. 5813

(2) Subject to the limitation contained in division (F) (3) 5814
of this section, payment by the person to the registrar or an 5815
eligible deputy registrar of a license reinstatement fee of ~~four~~ 5816
three hundred seventy-five-fifteen dollars, which fee shall be 5817
deposited in the state treasury and credited as follows: 5818

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

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

~~(c) Thirty seven~~ (b) Forty dollars and fifty cents shall be credited to the indigent drivers alcohol treatment fund, which is hereby established in the state treasury. The department of mental health and addiction services shall distribute the moneys in that fund to the county indigent drivers alcohol treatment funds, the county juvenile indigent drivers alcohol treatment funds, and the municipal indigent drivers alcohol treatment funds that are required to be established by counties and municipal corporations pursuant to division (H) of this section to be used only as provided in division (H) (3) of this section. Moneys in the fund that are not distributed to a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund under division (H) of this section because the director of mental health and addiction services does not have the information necessary to identify the county or municipal corporation where the offender or juvenile offender was arrested may be transferred by the director of budget and management to the statewide treatment and prevention fund created by section 4301.30 of the Revised Code, upon certification of the amount by the director of mental health and addiction services.

~~(d)~~ (c) Seventy-five dollars shall be credited to the 5849
opportunities for Ohioans with disabilities agency established 5850
by section 3304.15 of the Revised Code, to the services for 5851
rehabilitation fund, which is hereby established. The fund shall 5852
be used to match available federal matching funds where 5853
appropriate or for any other purpose or program of the agency. 5854

~~(e)~~ (d) Seventy-five dollars shall be deposited into the 5855
state treasury and credited to the drug abuse resistance 5856
education programs fund, which is hereby established, to be used 5857
by the attorney general for the purposes specified in division 5858
(F) (4) of this section. 5859

~~(f)~~ (e) Thirty dollars shall be credited to the public 5860
safety - highway purposes fund created by section 4501.06 of the 5861
Revised Code. 5862

~~(g)~~ (f) Twenty dollars shall be credited to the trauma and 5863
emergency medical services fund created by section 4513.263 of 5864
the Revised Code. 5865

~~(h)~~ Fifty dollars shall be credited to the indigent 5866
~~drivers interlock and alcohol monitoring fund, which is hereby~~ 5867
~~established in the state treasury. Moneys in the fund shall be~~ 5868
~~distributed by the department of public safety to the county~~ 5869
~~indigent drivers interlock and alcohol monitoring funds, the~~ 5870
~~county juvenile indigent drivers interlock and alcohol~~ 5871
~~monitoring funds, and the municipal indigent drivers interlock~~ 5872
~~and alcohol monitoring funds that are required to be established~~ 5873
~~by counties and municipal corporations pursuant to this section,~~ 5874
~~and shall be used only to pay the cost of an immobilizing or~~ 5875
~~disabling device, including a certified ignition interlock~~ 5876
~~device, or an alcohol monitoring device used by an offender or~~ 5877
~~juvenile offender who is ordered to use the device by a county,~~ 5878

~~juvenile, or municipal court judge and who is determined by the~~ 5879
~~county, juvenile, or municipal court judge not to have the means~~ 5880
~~to pay for the person's use of the device.~~ 5881

(3) If a person's driver's or commercial driver's license 5882
or permit is suspended under this section, under section 5883
4511.196 or division (G) of section 4511.19 of the Revised Code, 5884
under section 4510.07 of the Revised Code for a violation of a 5885
municipal OVI ordinance or under any combination of the 5886
suspensions described in division (F) (3) of this section, and if 5887
the suspensions arise from a single incident or a single set of 5888
facts and circumstances, the person is liable for payment of, 5889
and shall be required to pay to the registrar or an eligible 5890
deputy registrar, only one reinstatement fee of ~~four~~three 5891
hundred ~~seventy five~~fifteen dollars. The reinstatement fee 5892
shall be distributed by the bureau in accordance with division 5893
(F) (2) of this section. 5894

(4) The attorney general shall use amounts in the drug 5895
abuse resistance education programs fund to award grants to law 5896
enforcement agencies to establish and implement drug abuse 5897
resistance education programs in public schools. Grants awarded 5898
to a law enforcement agency under this section shall be used by 5899
the agency to pay for not more than fifty per cent of the amount 5900
of the salaries of law enforcement officers who conduct drug 5901
abuse resistance education programs in public schools. The 5902
attorney general shall not use more than six per cent of the 5903
amounts the attorney general's office receives under division 5904
~~(F) (2) (e)~~ (F) (2) (d) of this section to pay the costs it incurs in 5905
administering the grant program established by division ~~(F) (2)~~ 5906
~~(e)~~ (F) (2) (d) of this section and in providing training and 5907
materials relating to drug abuse resistance education programs. 5908

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

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

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

(H) (1) Each county shall establish an indigent drivers alcohol treatment fund and a juvenile indigent drivers alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol

treatment fund. All revenue that the general assembly 5939
appropriates to the indigent drivers alcohol treatment fund for 5940
transfer to a county indigent drivers alcohol treatment fund, a 5941
county juvenile indigent drivers alcohol treatment fund, or a 5942
municipal indigent drivers alcohol treatment fund, all portions 5943
of fees that are paid under division (F) of this section and 5944
that are credited under that division to the indigent drivers 5945
alcohol treatment fund in the state treasury for a county 5946
indigent drivers alcohol treatment fund, a county juvenile 5947
indigent drivers alcohol treatment fund, or a municipal indigent 5948
drivers alcohol treatment fund, all portions of additional costs 5949
imposed under section 2949.094 of the Revised Code that are 5950
specified for deposit into a county, county juvenile, or 5951
municipal indigent drivers alcohol treatment fund by that 5952
section, and all portions of fines that are specified for 5953
deposit into a county or municipal indigent drivers alcohol 5954
treatment fund by section 4511.193 of the Revised Code shall be 5955
deposited into that county indigent drivers alcohol treatment 5956
fund, county juvenile indigent drivers alcohol treatment fund, 5957
or municipal indigent drivers alcohol treatment fund. The 5958
portions of the fees paid under division (F) of this section 5959
that are to be so deposited shall be determined in accordance 5960
with division (H) (2) of this section. Additionally, all portions 5961
of fines that are paid for a violation of section 4511.19 of the 5962
Revised Code or of any prohibition contained in Chapter 4510. of 5963
the Revised Code, and that are required under section 4511.19 or 5964
any provision of Chapter 4510. of the Revised Code to be 5965
deposited into a county indigent drivers alcohol treatment fund 5966
or municipal indigent drivers alcohol treatment fund shall be 5967
deposited into the appropriate fund in accordance with the 5968
applicable division of the section or provision. 5969

(2) That portion of the license reinstatement fee that is 5970
paid under division (F) of this section and that is credited 5971
under that division to the indigent drivers alcohol treatment 5972
fund shall be deposited into a county indigent drivers alcohol 5973
treatment fund, a county juvenile indigent drivers alcohol 5974
treatment fund, or a municipal indigent drivers alcohol 5975
treatment fund as follows: 5976

(a) Regarding a suspension imposed under this section, 5977
that portion of the fee shall be deposited as follows: 5978

(i) If the fee is paid by a person who was charged in a 5979
county court with the violation that resulted in the suspension 5980
or in the imposition of the court costs, the portion shall be 5981
deposited into the county indigent drivers alcohol treatment 5982
fund under the control of that court; 5983

(ii) If the fee is paid by a person who was charged in a 5984
juvenile court with the violation that resulted in the 5985
suspension or in the imposition of the court costs, the portion 5986
shall be deposited into the county juvenile indigent drivers 5987
alcohol treatment fund established in the county served by the 5988
court; 5989

(iii) If the fee is paid by a person who was charged in a 5990
municipal court with the violation that resulted in the 5991
suspension or in the imposition of the court costs, the portion 5992
shall be deposited into the municipal indigent drivers alcohol 5993
treatment fund under the control of that court. 5994

(b) Regarding a suspension imposed under section 4511.19 5995
of the Revised Code or under section 4510.07 of the Revised Code 5996
for a violation of a municipal OVI ordinance, that portion of 5997
the fee shall be deposited as follows: 5998

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

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

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

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

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

section 5119.36 of the Revised Code; 6029

(ii) To pay the cost of alcohol addiction services, drug 6030
addiction services, or integrated alcohol and drug addiction 6031
services at a community addiction services provider whose 6032
alcohol and drug addiction services are certified under section 6033
5119.36 of the Revised Code; 6034

(iii) To pay the cost of transportation to attend an 6035
assessment as provided under division (H) (3) (b) (i) of this 6036
section or addiction services as provided under division (H) (3) 6037
(b) (ii) of this section. 6038

The alcohol and drug addiction services board or the board 6039
of alcohol, drug addiction, and mental health services 6040
established pursuant to section 340.02 or 340.021 of the Revised 6041
Code and serving the alcohol, drug addiction, and mental health 6042
service district in which the court is located shall administer 6043
the indigent drivers alcohol treatment program of the court. 6044
When a court orders an offender or juvenile traffic offender to 6045
obtain an assessment or attend an alcohol and drug addiction 6046
treatment program, the board shall determine which program is 6047
suitable to meet the needs of the offender or juvenile traffic 6048
offender, and when a suitable program is located and space is 6049
available at the program, the offender or juvenile traffic 6050
offender shall attend the program designated by the board. A 6051
reasonable amount not to exceed five per cent of the amounts 6052
credited to and deposited into the county indigent drivers 6053
alcohol treatment fund, the county juvenile indigent drivers 6054
alcohol treatment fund, or the municipal indigent drivers 6055
alcohol treatment fund serving every court whose program is 6056
administered by that board shall be paid to the board to cover 6057
the costs it incurs in administering those indigent drivers 6058

alcohol treatment programs. 6059

(c) Upon exhaustion of moneys in the indigent drivers 6060
interlock and alcohol monitoring fund for the use of an alcohol 6061
monitoring device, a county, juvenile, or municipal court judge 6062
may use moneys in the county indigent drivers alcohol treatment 6063
fund, county juvenile indigent drivers alcohol treatment fund, 6064
or municipal indigent drivers alcohol treatment fund in either 6065
of the following manners: 6066

(i) If the source of the moneys was an appropriation of 6067
the general assembly, a portion of a fee that was paid under 6068
division (F) of this section, a portion of a fine that was 6069
specified for deposit into the fund by section 4511.193 of the 6070
Revised Code, or a portion of a fine that was paid for a 6071
violation of section 4511.19 of the Revised Code or of a 6072
provision contained in Chapter 4510. of the Revised Code that 6073
was required to be deposited into the fund, to pay for the 6074
continued use of an alcohol monitoring device by an offender or 6075
juvenile traffic offender, in conjunction with a treatment 6076
program approved by the department of mental health and 6077
addiction services, when such use is determined clinically 6078
necessary by the treatment program and when the court determines 6079
that the offender or juvenile traffic offender is unable to pay 6080
all or part of the daily monitoring or cost of the device; 6081

(ii) If the source of the moneys was a portion of an 6082
additional court cost imposed under section 2949.094 of the 6083
Revised Code, to pay for the continued use of an alcohol 6084
monitoring device by an offender or juvenile traffic offender 6085
when the court determines that the offender or juvenile traffic 6086
offender is unable to pay all or part of the daily monitoring or 6087
cost of the device. The moneys may be used for a device as 6088

described in this division if the use of the device is in 6089
conjunction with a treatment program approved by the department 6090
of mental health and addiction services, when the use of the 6091
device is determined clinically necessary by the treatment 6092
program, but the use of a device is not required to be in 6093
conjunction with a treatment program approved by the department 6094
in order for the moneys to be used for the device as described 6095
in this division. 6096

(4) If a county, juvenile, or municipal court determines, 6097
in consultation with the alcohol and drug addiction services 6098
board or the board of alcohol, drug addiction, and mental health 6099
services established pursuant to section 340.02 or 340.021 of 6100
the Revised Code and serving the alcohol, drug addiction, and 6101
mental health district in which the court is located, that the 6102
funds in the county indigent drivers alcohol treatment fund, the 6103
county juvenile indigent drivers alcohol treatment fund, or the 6104
municipal indigent drivers alcohol treatment fund under the 6105
control of the court are more than sufficient to satisfy the 6106
purpose for which the fund was established, as specified in 6107
divisions (H) (1) to (3) of this section, the court may declare a 6108
surplus in the fund. If the court declares a surplus in the 6109
fund, the court may take one or more of the following actions 6110
with regard to the amount of the surplus in the fund: 6111

(a) Expend any of the surplus amount for alcohol and drug 6112
abuse assessment and treatment, and for the cost of 6113
transportation related to assessment and treatment, of persons 6114
who are charged in the court with committing a criminal offense 6115
or with being a delinquent child or juvenile traffic offender 6116
and in relation to whom both of the following apply: 6117

(i) The court determines that substance abuse was a 6118

contributing factor leading to the criminal or delinquent 6119
activity or the juvenile traffic offense with which the person 6120
is charged. 6121

(ii) The court determines that the person is unable to pay 6122
the cost of the alcohol and drug abuse assessment and treatment 6123
for which the surplus money will be used. 6124

(b) Expend any of the surplus amount to pay all or part of 6125
the cost of purchasing alcohol monitoring devices to be used in 6126
conjunction with division (H) (3) (c) of this section, upon 6127
exhaustion of moneys in the indigent drivers interlock and 6128
alcohol monitoring fund for the use of an alcohol monitoring 6129
device. 6130

(c) Transfer to another court in the same county any of 6131
the surplus amount to be utilized in a manner consistent with 6132
division (H) (3) of this section. If surplus funds are 6133
transferred to another court, the court that transfers the funds 6134
shall notify the alcohol and drug addiction services board or 6135
the board of alcohol, drug addiction, and mental health services 6136
that serves the alcohol, drug addiction, and mental health 6137
service district in which that court is located. 6138

(d) Transfer to the alcohol and drug addiction services 6139
board or the board of alcohol, drug addiction, and mental health 6140
services that serves the alcohol, drug addiction, and mental 6141
health service district in which the court is located any of the 6142
surplus amount to be utilized in a manner consistent with 6143
division (H) (3) of this section or for board contracted recovery 6144
support services. 6145

(e) Expend any of the surplus amount for the cost of 6146
staffing, equipment, training, drug testing, supplies, and other 6147

expenses of any specialized docket program established within 6148
the court and certified by the supreme court. 6149

(5) In order to determine if an offender does not have the 6150
means to pay for the offender's attendance at an alcohol and 6151
drug addiction treatment program for purposes of division (H) (3) 6152
of this section or if an alleged offender or delinquent child is 6153
unable to pay the costs specified in division (H) (4) of this 6154
section, the court shall use the indigent client eligibility 6155
guidelines and the standards of indigency established by the 6156
state public defender to make the determination. 6157

(6) The court shall identify and refer any community 6158
addiction services provider that intends to provide alcohol and 6159
drug addiction services and has not had its alcohol and drug 6160
addiction services certified under section 5119.36 of the 6161
Revised Code and that is interested in receiving amounts from 6162
the surplus in the fund declared under division (H) (4) of this 6163
section to the department of mental health and addiction 6164
services in order for the community addiction services provider 6165
to have its alcohol and drug addiction services certified by the 6166
department. The department shall keep a record of applicant 6167
referrals received pursuant to this division and shall submit a 6168
report on the referrals each year to the general assembly. If a 6169
community addiction services provider interested in having its 6170
alcohol and drug addiction services certified makes an 6171
application pursuant to section 5119.36 of the Revised Code, the 6172
community addiction services provider is eligible to receive 6173
surplus funds as long as the application is pending with the 6174
department. The department of mental health and addiction 6175
services must offer technical assistance to the applicant. If 6176
the interested community addiction services provider withdraws 6177
the certification application, the department must notify the 6178

court, and the court shall not provide the interested community 6179
addiction services provider with any further surplus funds. 6180

(7) (a) Each alcohol and drug addiction services board and 6181
board of alcohol, drug addiction, and mental health services 6182
established pursuant to section 340.02 or 340.021 of the Revised 6183
Code shall submit to the department of mental health and 6184
addiction services an annual report for each indigent drivers 6185
alcohol treatment fund in that board's area. 6186

(b) The report, which shall be submitted not later than 6187
sixty days after the end of the state fiscal year, shall provide 6188
the total payment that was made from the fund, including the 6189
number of indigent consumers that received treatment services 6190
and the number of indigent consumers that received an alcohol 6191
monitoring device. The report shall identify the treatment 6192
program and expenditure for an alcohol monitoring device for 6193
which that payment was made. The report shall include the fiscal 6194
year balance of each indigent drivers alcohol treatment fund 6195
located in that board's area. In the event that a surplus is 6196
declared in the fund pursuant to division (H) (4) of this 6197
section, the report also shall provide the total payment that 6198
was made from the surplus moneys and identify the authorized 6199
purpose for which that payment was made. 6200

(c) If a board is unable to obtain adequate information to 6201
develop the report to submit to the department for a particular 6202
indigent drivers alcohol treatment fund, the board shall submit 6203
a report detailing the effort made in obtaining the information. 6204

(I) (1) The indigent drivers interlock and alcohol 6205
monitoring fund is established in the state treasury. Money in 6206
the fund shall be distributed by the department of public safety 6207
to the county indigent drivers interlock and alcohol monitoring 6208

funds, the county juvenile indigent drivers interlock and 6209
alcohol monitoring funds, and the municipal indigent drivers 6210
interlock and alcohol monitoring funds that are required to be 6211
established by counties and municipal corporations pursuant to 6212
this section, and shall be used only to pay the cost of an 6213
immobilizing or disabling device, including a certified ignition 6214
interlock device, or an alcohol monitoring device used by an 6215
offender or juvenile offender who is ordered to use the device 6216
by a county, juvenile, or municipal court judge and who is 6217
determined by the county, juvenile, or municipal court judge not 6218
to have the means to pay for the person's use of the device. 6219

(2) Each county shall establish an indigent drivers 6220
interlock and alcohol monitoring fund and a juvenile indigent 6221
drivers interlock and alcohol treatment fund. Each municipal 6222
corporation in which there is a municipal court shall establish 6223
an indigent drivers interlock and alcohol monitoring fund. All 6224
revenue that the general assembly appropriates to the indigent 6225
drivers interlock and alcohol monitoring fund for transfer to a 6226
county indigent drivers interlock and alcohol monitoring fund, a 6227
county juvenile indigent drivers interlock and alcohol 6228
monitoring fund, or a municipal indigent drivers interlock and 6229
alcohol monitoring fund, ~~all portions of license reinstatement~~ 6230
~~fees that are paid under division (F)(2) of this section and~~ 6231
~~that are credited under that division to the indigent drivers~~ 6232
~~interlock and alcohol monitoring fund in the state treasury,~~ and 6233
all portions of fines that are paid under division (G) of 6234
section 4511.19 of the Revised Code and that are credited by 6235
division (G)(5)(e) of that section to the indigent drivers 6236
interlock and alcohol monitoring fund in the state treasury 6237
shall be deposited in the appropriate fund in accordance with 6238
division ~~(F)(2)~~ (I)(3) of this section. 6239

~~(2)~~(3) That ~~portion of the license reinstatement fee that~~ 6240
~~is paid under division (F) of this section and that portion of~~ 6241
the fine paid under division (G) of section 4511.19 of the 6242
Revised Code and that is credited ~~under either division~~ to the 6243
indigent drivers interlock and alcohol monitoring fund shall be 6244
deposited into a county indigent drivers interlock and alcohol 6245
monitoring fund, a county juvenile indigent drivers interlock 6246
and alcohol monitoring fund, or a municipal indigent drivers 6247
interlock and alcohol monitoring fund as follows: 6248

(a) If the ~~fee or~~ fine is paid by a person who was charged 6249
in a county court with the violation that resulted in the 6250
~~suspension or~~ fine, the portion shall be deposited into the 6251
county indigent drivers interlock and alcohol monitoring fund 6252
under the control of that court. 6253

(b) If the ~~fee or~~ fine is paid by a person who was charged 6254
in a juvenile court with the violation that resulted in the 6255
~~suspension or~~ fine, the portion shall be deposited into the 6256
county juvenile indigent drivers interlock and alcohol 6257
monitoring fund established in the county served by the court. 6258

(c) If the ~~fee or~~ fine is paid by a person who was charged 6259
in a municipal court with the violation that resulted in the 6260
~~suspension~~fine, the portion shall be deposited into the 6261
municipal indigent drivers interlock and alcohol monitoring fund 6262
under the control of that court. 6263

~~(3)~~(4) If a county, juvenile, or municipal court 6264
determines that the funds in the county indigent drivers 6265
interlock and alcohol monitoring fund, the county juvenile 6266
indigent drivers interlock and alcohol monitoring fund, or the 6267
municipal indigent drivers interlock and alcohol monitoring fund 6268
under the control of that court are more than sufficient to 6269

satisfy the purpose for which the fund was established as 6270
specified in division ~~(F) (2) (h)~~ (I) of this section, the court 6271
may declare a surplus in the fund. The court then may order the 6272
transfer of a specified amount into the county indigent drivers 6273
alcohol treatment fund, the county juvenile indigent drivers 6274
alcohol treatment fund, or the municipal indigent drivers 6275
alcohol treatment fund under the control of that court to be 6276
utilized in accordance with division (H) of this section. 6277

Sec. 4511.192. (A) Except as provided in division (A) (5) 6278
of section 4511.191 of the Revised Code, the arresting law 6279
enforcement officer shall give advice in accordance with this 6280
section to any person under arrest for a violation of division 6281
(A) or (B) of section 4511.19 of the Revised Code, section 6282
4511.194 of the Revised Code or a substantially equivalent 6283
municipal ordinance, or a municipal OVI ordinance. The officer 6284
shall give that advice in a written form that contains the 6285
information described in division (B) of this section and shall 6286
read the advice to the person. The form shall contain a 6287
statement that the form was shown to the person under arrest and 6288
read to the person by the arresting officer. One or more persons 6289
shall witness the arresting officer's reading of the form, and 6290
the witnesses shall certify to this fact by signing the form. 6291
The person must submit to the chemical test or tests, subsequent 6292
to the request of the arresting officer, within two hours of the 6293
time of the alleged violation and, if the person does not submit 6294
to the test or tests within that two-hour time limit, the 6295
failure to submit automatically constitutes a refusal to submit 6296
to the test or tests. 6297

(B) Except as provided in division (A) (5) of section 6298
4511.191 of the Revised Code, if a person is under arrest as 6299
described in division (A) of this section, before the person may 6300

be requested to submit to a chemical test or tests to determine 6301
the alcohol, drug of abuse, controlled substance, metabolite of 6302
a controlled substance, or combination content of the person's 6303
whole blood, blood serum or plasma, breath, oral fluid, or 6304
urine, the arresting officer shall read the following form to 6305
the person: 6306

"You now are under arrest for (specifically state the 6307
offense under state law or a substantially equivalent municipal 6308
ordinance for which the person was arrested - operating a 6309
vehicle under the influence of alcohol, a drug, or a combination 6310
of them; operating a vehicle while under the influence of a 6311
listed controlled substance or a listed metabolite of a 6312
controlled substance; operating a vehicle after underage alcohol 6313
consumption; or having physical control of a vehicle while under 6314
the influence). 6315

If you refuse to take any chemical test required by law, 6316
your Ohio driving privileges will be suspended immediately, and 6317
you will have to pay a fee to have the privileges reinstated. If 6318
you have a prior conviction of OVI or operating a vehicle while 6319
under the influence of a listed controlled substance or a listed 6320
metabolite of a controlled substance under state or municipal 6321
law within the preceding twenty years, you now are under arrest 6322
for state OVI, and, if you refuse to take a chemical test, you 6323
will face increased penalties if you subsequently are convicted 6324
of the state OVI. 6325

(Read this part unless the person is under arrest for 6326
solely having physical control of a vehicle while under the 6327
influence.) If you take any chemical test required by law and 6328
are found to be at or over the prohibited amount of alcohol, a 6329
controlled substance, or a metabolite of a controlled substance 6330

in your whole blood, blood serum or plasma, breath, or urine as 6331
set by law, your Ohio driving privileges will be suspended 6332
immediately, and you will have to pay a fee to have the 6333
privileges reinstated. 6334

If you take a chemical test, you may have an independent 6335
chemical test taken at your own expense." 6336

(C) If the arresting law enforcement officer does not ask 6337
a person under arrest as described in division (A) of this 6338
section or division (A)(5) of section 4511.191 of the Revised 6339
Code to submit to a chemical test or tests under section 6340
4511.191 of the Revised Code, the arresting officer shall seize 6341
the Ohio or out-of-state driver's or commercial driver's license 6342
or permit of the person and immediately forward it to the court 6343
in which the arrested person is to appear on the charge. If the 6344
arrested person is not in possession of the person's license or 6345
permit or it is not in the person's vehicle, the officer shall 6346
order the person to surrender it to the law enforcement agency 6347
that employs the officer within twenty-four hours after the 6348
arrest, and, upon the surrender, the agency immediately shall 6349
forward the license or permit to the court in which the person 6350
is to appear on the charge. Upon receipt of the license or 6351
permit, the court shall retain it pending the arrested person's 6352
initial appearance and any action taken under section 4511.196 6353
of the Revised Code. 6354

(D) (1) If a law enforcement officer asks a person under 6355
arrest as described in division (A)(5) of section 4511.191 of 6356
the Revised Code to submit to a chemical test or tests under 6357
that section and the test results indicate a prohibited 6358
concentration of alcohol, a controlled substance, or a 6359
metabolite of a controlled substance in the person's whole 6360

blood, blood serum or plasma, breath, or urine at the time of 6361
the alleged offense, or if a law enforcement officer asks a 6362
person under arrest as described in division (A) of this section 6363
to submit to a chemical test or tests under section 4511.191 of 6364
the Revised Code, the officer advises the person in accordance 6365
with this section of the consequences of the person's refusal or 6366
submission, and either the person refuses to submit to the test 6367
or tests or, unless the arrest was for a violation of section 6368
4511.194 of the Revised Code or a substantially equivalent 6369
municipal ordinance, the person submits to the test or tests and 6370
the test results indicate a prohibited concentration of alcohol, 6371
a controlled substance, or a metabolite of a controlled 6372
substance in the person's whole blood, blood serum or plasma, 6373
breath, or urine at the time of the alleged offense, the 6374
arresting officer shall do all of the following: 6375

(a) On behalf of the registrar of motor vehicles, notify 6376
the person that, independent of any penalties or sanctions 6377
imposed upon the person, the person's Ohio driver's or 6378
commercial driver's license or permit or nonresident operating 6379
privilege is suspended immediately, that the suspension will 6380
last at least until the person's initial appearance on the 6381
charge, which will be held within five days after the date of 6382
the person's arrest or the issuance of a citation to the person, 6383
and that the person may appeal the suspension at the initial 6384
appearance or during the period of time ending thirty days after 6385
that initial appearance; 6386

(b) Seize the driver's or commercial driver's license or 6387
permit of the person and immediately forward it to the 6388
registrar. If the arrested person is not in possession of the 6389
person's license or permit or it is not in the person's vehicle, 6390
the officer shall order the person to surrender it to the law 6391

enforcement agency that employs the officer within twenty-four 6392
hours after the person is given notice of the suspension, and, 6393
upon the surrender, the officer's employing agency immediately 6394
shall forward the license or permit to the registrar. 6395

(c) Verify the person's current residence and, if it 6396
differs from that on the person's driver's or commercial 6397
driver's license or permit, notify the registrar of the change; 6398

(d) Send to the registrar, within forty-eight hours after 6399
the arrest of the person, a sworn report that includes all of 6400
the following statements: 6401

(i) That the officer had reasonable grounds to believe 6402
that, at the time of the arrest, the arrested person was 6403
operating a vehicle, streetcar, or trackless trolley in 6404
violation of division (A) or (B) of section 4511.19 of the 6405
Revised Code or a municipal OVI ordinance or for being in 6406
physical control of a stationary vehicle, streetcar, or 6407
trackless trolley in violation of section 4511.194 of the 6408
Revised Code or a substantially equivalent municipal ordinance; 6409

(ii) That the person was arrested and charged with a 6410
violation of division (A) or (B) of section 4511.19 of the 6411
Revised Code, section 4511.194 of the Revised Code or a 6412
substantially equivalent municipal ordinance, or a municipal OVI 6413
ordinance; 6414

(iii) Unless division (D) (1) (d) (v) of this section 6415
applies, that the officer asked the person to take the 6416
designated chemical test or tests, advised the person in 6417
accordance with this section of the consequences of submitting 6418
to, or refusing to take, the test or tests, and gave the person 6419
the form described in division (B) of this section; 6420

(iv) Unless division (D) (1) (d) (v) of this section applies, 6421
that either the person refused to submit to the chemical test or 6422
tests or, unless the arrest was for a violation of section 6423
4511.194 of the Revised Code or a substantially equivalent 6424
municipal ordinance, the person submitted to the chemical test 6425
or tests and the test results indicate a prohibited 6426
concentration of alcohol, a controlled substance, or a 6427
metabolite of a controlled substance in the person's whole 6428
blood, blood serum or plasma, breath, or urine at the time of 6429
the alleged offense; 6430

(v) If the person was under arrest as described in 6431
division (A) (5) of section 4511.191 of the Revised Code and the 6432
chemical test or tests were performed in accordance with that 6433
division, that the person was under arrest as described in that 6434
division, that the chemical test or tests were performed in 6435
accordance with that division, and that test results indicated a 6436
prohibited concentration of alcohol, a controlled substance, or 6437
a metabolite of a controlled substance in the person's whole 6438
blood, blood serum or plasma, breath, or urine at the time of 6439
the alleged offense. 6440

(2) Division (D) (1) of this section does not apply to a 6441
person who is arrested for a violation of section 4511.194 of 6442
the Revised Code or a substantially equivalent municipal 6443
ordinance, who is asked by a law enforcement officer to submit 6444
to a chemical test or tests under section 4511.191 of the 6445
Revised Code, and who submits to the test or tests, regardless 6446
of the amount of alcohol, a controlled substance, or a 6447
metabolite of a controlled substance that the test results 6448
indicate is present in the person's whole blood, blood serum or 6449
plasma, breath, oral fluid, or urine. 6450

(E) The arresting officer shall give the officer's sworn report that is completed under this section to the arrested person at the time of the arrest, or the registrar of motor vehicles shall send the report to the person by regular first class mail as soon as possible after receipt of the report, but not later than fourteen days after receipt of it. An arresting officer may give an unsworn report to the arrested person at the time of the arrest provided the report is complete when given to the arrested person and subsequently is sworn to by the arresting officer. As soon as possible, but not later than forty-eight hours after the arrest of the person, the arresting officer shall send a copy of the sworn report to the court in which the arrested person is to appear on the charge for which the person was arrested.

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

Sec. 4513.263. (A) As used in this section and in section 4513.99 of the Revised Code:

(1) "Automobile" means any commercial tractor, passenger car, commercial car, or truck that is required to be factory-equipped with an occupant restraining device for the operator or any passenger by regulations adopted by the United States secretary of transportation pursuant to the "National Traffic and Motor Vehicle Safety Act of 1966," 80 Stat. 719, 15 U.S.C.A.

1392. 6481

(2) "Occupant restraining device" means a seat safety 6482
belt, shoulder belt, harness, or other safety device for 6483
restraining a person who is an operator of or passenger in an 6484
automobile and that satisfies the minimum federal vehicle safety 6485
standards established by the United States department of 6486
transportation. 6487

(3) "Passenger" means any person in an automobile, other 6488
than its operator, who is occupying a seating position for which 6489
an occupant restraining device is provided. 6490

(4) "Commercial tractor," "passenger car," and "commercial 6491
car" have the same meanings as in section 4501.01 of the Revised 6492
Code. 6493

(5) "Vehicle" and "motor vehicle," as used in the 6494
definitions of the terms set forth in division (A)(4) of this 6495
section, have the same meanings as in section 4511.01 of the 6496
Revised Code. 6497

(6) "Tort action" means a civil action for damages for 6498
injury, death, or loss to person or property. "Tort action" 6499
includes a product liability claim, as defined in section 6500
2307.71 of the Revised Code, and an asbestos claim, as defined 6501
in section 2307.91 of the Revised Code, but does not include a 6502
civil action for damages for breach of contract or another 6503
agreement between persons. 6504

(B) No person shall do any of the following: 6505

(1) Operate an automobile on any street or highway unless 6506
that person is wearing all of the available elements of a 6507
properly adjusted occupant restraining device, or operate a 6508
school bus that has an occupant restraining device installed for 6509

use in its operator's seat unless that person is wearing all of 6510
the available elements of the device, as properly adjusted; 6511

(2) Operate an automobile on any street or highway unless 6512
each passenger in the automobile who is subject to the 6513
requirement set forth in division (B)(3) of this section is 6514
wearing all of the available elements of a properly adjusted 6515
occupant restraining device; 6516

(3) Occupy, as a passenger, a seating position on the 6517
front seat of an automobile being operated on any street or 6518
highway unless that person is wearing all of the available 6519
elements of a properly adjusted occupant restraining device; 6520

(4) Operate a taxicab on any street or highway unless all 6521
factory-equipped occupant restraining devices in the taxicab are 6522
maintained in usable form. 6523

(C) (1) Division (B)(3) of this section does not apply to a 6524
person who is required by section 4511.81 of the Revised Code to 6525
be secured in a child restraint device or booster seat. 6526

(2) Division (B)(1) of this section does not apply to a 6527
person who is an employee of the United States postal service or 6528
of a newspaper home delivery service, during any period in which 6529
the person is engaged in the operation of an automobile to 6530
deliver mail or newspapers to addressees. 6531

(3) Divisions (B)(1) and (3) of this section do not apply 6532
to a person who has an affidavit signed by a physician licensed 6533
to practice in this state under Chapter 4731. of the Revised 6534
Code or a chiropractor licensed to practice in this state under 6535
Chapter 4734. of the Revised Code that states the following: 6536

(a) That the person has a physical impairment that makes 6537
use of an occupant restraining device impossible or impractical; 6538

(b) Whether the physical impairment is temporary, 6539
permanent, or reasonably expected to be permanent; 6540

(c) If the physical impairment is temporary, how long the 6541
physical impairment is expected to make the use of an occupant 6542
restraining device impossible or impractical. 6543

(4) Divisions (B) (1) and (3) of this section do not apply 6544
to a person who has registered with the registrar of motor 6545
vehicles in accordance with division (C) (5) of this section. 6546

(5) A person who has received an affidavit under division 6547
(C) (3) of this section stating that the person has a permanent 6548
or reasonably expected to be permanent physical impairment that 6549
makes use of an occupant restraining device impossible or 6550
impracticable may register with the registrar attesting to that 6551
fact. Upon such registration, the registrar shall make that 6552
information available in the law enforcement automated data 6553
system. A person included in the database under division (C) (5) 6554
of this section is not required to have the affidavit obtained 6555
in accordance with division (C) (3) of this section in their 6556
possession while operating or occupying an automobile. 6557

(6) A physician or chiropractor who issues an affidavit 6558
for the purposes of division (C) (3) or (4) of this section is 6559
immune from civil liability arising from any injury or death 6560
sustained by the person who was issued the affidavit due to the 6561
failure of the person to wear an occupant restraining device 6562
unless the physician or chiropractor, in issuing the affidavit, 6563
acted in a manner that constituted willful, wanton, or reckless 6564
misconduct. 6565

(7) The registrar shall adopt rules in accordance with 6566
Chapter 119. of the Revised Code establishing a process for a 6567

person to be included in the database under division (C) (5) of 6568
this section. The information provided and included in the 6569
database under division (C) (5) of this section is not a public 6570
record subject to inspection or copying under section 149.43 of 6571
the Revised Code. 6572

(D) Notwithstanding any provision of law to the contrary, 6573
no law enforcement officer shall cause an operator of an 6574
automobile being operated on any street or highway to stop the 6575
automobile for the sole purpose of determining whether a 6576
violation of division (B) of this section has been or is being 6577
committed or for the sole purpose of issuing a ticket, citation, 6578
or summons for a violation of that nature or causing the arrest 6579
of or commencing a prosecution of a person for a violation of 6580
that nature, and no law enforcement officer shall view the 6581
interior or visually inspect any automobile being operated on 6582
any street or highway for the sole purpose of determining 6583
whether a violation of that nature has been or is being 6584
committed. 6585

(E) All fines collected for violations of division (B) of 6586
this section, or for violations of any ordinance or resolution 6587
of a political subdivision that is substantively comparable to 6588
that division, shall be forwarded to the treasurer of state for 6589
deposit into the state treasury to the credit of the trauma and 6590
emergency medical services fund, which is hereby created. In 6591
addition, the portion of the driver's license reinstatement fee 6592
described in division ~~(F) (2) (g)~~ (F) (2) (f) of section 4511.191 of 6593
the Revised Code, plus all fees collected under section 4765.11 6594
of the Revised Code, plus all fines imposed under section 6595
4765.55 of the Revised Code, plus the fees and other moneys 6596
specified in section 4766.05 of the Revised Code, and plus five 6597
per cent of fines and moneys arising from bail forfeitures as 6598

directed by section 5503.04 of the Revised Code, also shall be 6599
deposited into the trauma and emergency medical services fund. 6600
All money deposited into the trauma and emergency medical 6601
services fund shall be used by the department of public safety 6602
for the administration and operation of the division of 6603
emergency medical services and the state board of emergency 6604
medical, fire, and transportation services, and by the state 6605
board of emergency medical, fire, and transportation services to 6606
make grants, in accordance with section 4765.07 of the Revised 6607
Code and rules the board adopts under section 4765.11 of the 6608
Revised Code. The director of budget and management may transfer 6609
excess money from the trauma and emergency medical services fund 6610
to the public safety - highway purposes fund established in 6611
section 4501.06 of the Revised Code if the director of public 6612
safety determines that the amount of money in the trauma and 6613
emergency medical services fund exceeds the amount required to 6614
cover such costs incurred by the emergency medical services 6615
agency and the grants made by the state board of emergency 6616
medical, fire, and transportation services and requests the 6617
director of budget and management to make the transfer. 6618

(F) (1) Subject to division (F) (2) of this section, the 6619
failure of a person to wear all of the available elements of a 6620
properly adjusted occupant restraining device in violation of 6621
division (B) (1) or (3) of this section or the failure of a 6622
person to ensure that each minor who is a passenger of an 6623
automobile being operated by that person is wearing all of the 6624
available elements of a properly adjusted occupant restraining 6625
device in violation of division (B) (2) of this section shall not 6626
be considered or used by the trier of fact in a tort action as 6627
evidence of negligence or contributory negligence. But, the 6628
trier of fact may determine based on evidence admitted 6629

consistent with the Ohio Rules of Evidence that the failure 6630
contributed to the harm alleged in the tort action and may 6631
diminish a recovery of compensatory damages that represents 6632
noneconomic loss, as defined in section 2307.011 of the Revised 6633
Code, in a tort action that could have been recovered but for 6634
the plaintiff's failure to wear all of the available elements of 6635
a properly adjusted occupant restraining device. Evidence of 6636
that failure shall not be used as a basis for a criminal 6637
prosecution of the person other than a prosecution for a 6638
violation of this section; and shall not be admissible as 6639
evidence in a criminal action involving the person other than a 6640
prosecution for a violation of this section. 6641

(2) If, at the time of an accident involving a passenger 6642
car equipped with occupant restraining devices, any occupant of 6643
the passenger car who sustained injury or death was not wearing 6644
an available occupant restraining device, was not wearing all of 6645
the available elements of such a device, or was not wearing such 6646
a device as properly adjusted, then, consistent with the Rules 6647
of Evidence, the fact that the occupant was not wearing the 6648
available occupant restraining device, was not wearing all of 6649
the available elements of such a device, or was not wearing such 6650
a device as properly adjusted is admissible in evidence in 6651
relation to any claim for relief in a tort action to the extent 6652
that the claim for relief satisfies all of the following: 6653

(a) It seeks to recover damages for injury or death to the 6654
occupant. 6655

(b) The defendant in question is the manufacturer, 6656
designer, distributor, or seller of the passenger car. 6657

(c) The claim for relief against the defendant in question 6658
is that the injury or death sustained by the occupant was 6659

enhanced or aggravated by some design defect in the passenger 6660
car or that the passenger car was not crashworthy. 6661

(G) (1) Whoever violates division (B) (1) of this section 6662
shall be fined thirty dollars. 6663

(2) Whoever violates division (B) (3) of this section shall 6664
be fined twenty dollars. 6665

(3) Except as otherwise provided in this division, whoever 6666
violates division (B) (4) of this section is guilty of a minor 6667
misdemeanor. If the offender previously has been convicted of or 6668
pleaded guilty to a violation of division (B) (4) of this 6669
section, whoever violates division (B) (4) of this section is 6670
guilty of a misdemeanor of the third degree. 6671

Section 2. That existing sections 1547.11, 1547.111, 6672
2317.02, 2317.022, 2743.191, 2903.06, 2929.14, 2929.142, 6673
3701.143, 4503.234, 4503.235, 4506.17, 4510.13, 4510.17, 6674
4510.31, 4510.54, 4511.19, 4511.191, 4511.192, and 4513.263 of 6675
the Revised Code are hereby repealed. 6676

Section 3. The General Assembly, applying the principle 6677
stated in division (B) of section 1.52 of the Revised Code that 6678
amendments are to be harmonized if reasonably capable of 6679
simultaneous operation, finds that the following sections, 6680
presented in this act as composites of the sections as amended 6681
by the acts indicated, are the resulting versions of the 6682
sections in effect prior to the effective date of the sections 6683
as presented in this act: 6684

Section 2743.191 of the Revised Code as amended by both 6685
H.B. 343 and S.B. 288 of the 134th General Assembly. 6686

Section 2929.14 of the Revised Code as amended by both 6687
H.B. 56 and S.B. 106 of the 135th General Assembly. 6688