

**As Passed by the Senate**

**135th General Assembly**

**Regular Session**

**2023-2024**

**Sub. S. B. No. 37**

**Senators Blessing, Ingram**

**Cosponsors: Senators Antonio, Cirino, Craig, DeMora, Hicks-Hudson, Manning,  
Reineke, Reynolds, Smith, Sykes, Wilkin**

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**A BILL**

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

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

**Section 1.** That sections 1901.44, 1905.202, 1907.25, 16  
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 17  
2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 18

2925.36, 2925.37, 2935.26, 2935.27, 2937.40, 2947.09, 3123.54, 19  
3123.56, 3123.58, 3321.13, 3321.191, 4501.06, 4503.10, 4503.102, 20  
4503.12, 4503.20, 4503.39, 4507.212, 4509.101, 4509.45, 4509.66, 21  
4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 4510.16, 4510.17, 22  
and 4510.22 be amended and section 2929.33 of the Revised Code 23  
be enacted to read as follows: 24

**Sec. 1901.44.** (A) (1) Notwithstanding any other provision 25  
of the Revised Code, if at the time of sentencing or at any time 26  
after sentencing a municipal court finds that a person who is 27  
found guilty of an offense is unable to pay costs, the court may 28  
order the offender to perform community service in lieu of 29  
costs. 30

(2) Notwithstanding any other provision of the Revised 31  
Code, if at the time of sentencing or at any time after 32  
sentencing a municipal court finds that a person who is found 33  
guilty of an offense will not be able to pay costs in full when 34  
they are due, the court may order the offender to pay the costs 35  
in installments according to a schedule set by the court. 36

(B) If a person is charged with an offense in municipal 37  
court and ~~either~~ fails to appear in court at the required time 38  
and place to answer the charge ~~or pleads guilty to or is found~~ 39  
~~guilty of the offense and fails within the time allowed by the~~ 40  
~~court to pay any fine or costs imposed by the court,~~ the court 41  
may enter information relative to the person's failure to ~~pay~~ 42  
~~any outstanding amount of the fine or costs~~ appear on a form 43  
prescribed or approved by the registrar of motor vehicles 44  
pursuant to division (C) of this section and send the form to 45  
the registrar. Upon receipt of the form, the registrar shall 46  
take any measures necessary to ensure that neither the registrar 47  
nor any deputy registrar accepts any application for the 48

registration or transfer of registration of any motor vehicle 49  
owned or leased by the person. However, for a motor vehicle 50  
leased by the person, the registrar shall not implement this 51  
requirement until the registrar adopts procedures for that 52  
implementation under section 4503.39 of the Revised Code. 53

The period of denial relating to the issuance or transfer 54  
of a certificate of registration for a motor vehicle imposed 55  
under this section remains in effect until the person ~~pays any~~ 56  
~~fine or costs imposed by the~~ appears in court relative to the 57  
offense. ~~When the fine or costs have been paid in full, the~~ The 58  
court shall inform the registrar of the ~~payment appearance~~ by 59  
entering information relative to the ~~payment appearance~~ on a 60  
~~notice of payment~~ form prescribed or approved by the registrar 61  
pursuant to division (C) of this section and sending the form to 62  
the registrar. 63

(C) The registrar shall prescribe and make available to 64  
municipal courts forms to be used for a notice to the registrar 65  
of failure to ~~pay fines or costs appear~~ and a notice to the 66  
registrar of ~~payment of fines or costs appearance~~ under division 67  
(B) of this section. The registrar may approve the use of other 68  
forms for these purposes. 69

The registrar may require that any of the forms prescribed 70  
or approved pursuant to this section be transmitted to the 71  
registrar electronically. If the registrar requires electronic 72  
transmission, the registrar shall not be required to give effect 73  
to any form that is not transmitted electronically. 74

**Sec. 1905.202.** (A) (1) Notwithstanding any other provision 75  
of the Revised Code, if at the time of sentencing or at any time 76  
after sentencing a mayor's court finds that a person who is 77  
found guilty of an offense is unable to pay costs, the court may 78

order the offender to perform community service in lieu of 79  
costs. 80

(2) Notwithstanding any other provision of the Revised 81  
Code, if at the time of sentencing or at any time after 82  
sentencing a mayor's court finds that a person who is found 83  
guilty of an offense will not be able to pay costs in full when 84  
they are due, the court may order the offender to pay the costs 85  
in installments according to a schedule set by the court. 86

(B) If a person is charged with an offense in mayor's 87  
court and ~~either fails to appear in court at the required time~~ 88  
~~and place to answer the charge or pleads guilty to or is found~~ 89  
~~guilty of the offense and fails within the time allowed by the~~ 90  
~~court to pay any fine or costs imposed by the court,~~ the court 91  
may enter information relative to the person's failure to ~~pay~~ 92  
~~any outstanding amount of the fine or costs~~ appear on a form 93  
prescribed or approved by the registrar of motor vehicles 94  
pursuant to division (C) of this section and send the form to 95  
the registrar. Upon receipt of the form, the registrar shall 96  
take any measures necessary to ensure that neither the registrar 97  
nor any deputy registrar accepts any application for the 98  
registration or transfer of registration of any motor vehicle 99  
owned or leased by the person. However, for a motor vehicle 100  
leased by the person, the registrar shall not implement this 101  
requirement until the registrar adopts procedures for that 102  
implementation under section 4503.39 of the Revised Code. 103

The period of denial relating to the issuance or transfer 104  
of a certificate of registration for a motor vehicle imposed 105  
under this section remains in effect until the person ~~pays any~~ 106  
~~fine or costs imposed by the~~ appears in court relative to the 107  
offense. ~~When the fine or costs have been paid in full, the~~ The 108

court shall inform the registrar of the ~~payment appearance~~ by 109  
entering information relative to the ~~payment appearance~~ on a 110  
~~notice of payment~~ form prescribed or approved by the registrar 111  
pursuant to division (C) of this section and sending the form to 112  
the registrar. 113

(C) The registrar shall prescribe and make available to 114  
mayor's courts forms to be used for a notice to the registrar of 115  
failure to ~~pay fines or costs~~ appear and a notice to the 116  
registrar of ~~payment of fines or costs~~ appearance under division 117  
(B) of this section. The registrar may approve the use of other 118  
forms for these purposes. 119

The registrar may require that any of the forms prescribed 120  
or approved pursuant to this section be transmitted to the 121  
registrar electronically. If the registrar requires electronic 122  
transmission, the registrar shall not be required to give effect 123  
to any form that is not transmitted electronically. 124

**Sec. 1907.25.** (A) (1) Notwithstanding any other provision 125  
of the Revised Code, if at the time of sentencing or at any time 126  
after sentencing a county court finds that a person who is found 127  
guilty of an offense is unable to pay costs, the court may order 128  
the offender to perform community service in lieu of costs. 129

(2) Notwithstanding any other provision of the Revised 130  
Code, if at the time of sentencing or at any time after 131  
sentencing a county court finds that a person who is found 132  
guilty of an offense will not be able to pay costs in full when 133  
they are due, the court may order the offender to pay the costs 134  
in installments according to a schedule set by the court. 135

(B) If a person is charged with an offense in county court 136  
and ~~either~~ fails to appear in court at the required time and 137

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

The period of denial relating to the issuance or transfer 153  
of a certificate of registration for a motor vehicle imposed 154  
under this section remains in effect until the person ~~pays any~~ 155  
~~fine or costs imposed by~~ appears in the court relative to the 156  
offense. ~~When the fine or costs have been paid in full, the~~ The 157  
court shall inform the registrar of the ~~payment~~ appearance by 158  
entering information relative to the ~~payment~~ appearance on a 159  
~~notice of payment~~ form prescribed or approved by the registrar 160  
pursuant to division (C) of this section and sending the form to 161  
the registrar. 162

(C) The registrar shall prescribe and make available to 163  
county courts forms to be used for a notice to the registrar of 164  
failure to ~~pay fines or costs~~ appear and a notice to the 165  
registrar of ~~payment of fines or costs~~ appearance under division 166  
(B) of this section. The registrar may approve the use of other 167  
forms for these purposes. 168

The registrar may require that any of the forms prescribed 169  
or approved pursuant to this section be transmitted to the 170  
registrar electronically. If the registrar requires electronic 171  
transmission, the registrar shall not be required to give effect 172  
to any form that is not transmitted electronically. 173

**Sec. 2925.02.** (A) No person shall knowingly do any of the 174  
following: 175

(1) By force, threat, or deception, administer to another 176  
or induce or cause another to use a controlled substance; 177

(2) By any means, administer or furnish to another or 178  
induce or cause another to use a controlled substance with 179  
purpose to cause serious physical harm to the other person, or 180  
with purpose to cause the other person to become a person with 181  
drug dependency; 182

(3) By any means, administer or furnish to another or 183  
induce or cause another to use a controlled substance, and 184  
thereby cause serious physical harm to the other person, or 185  
cause the other person to become a person with drug dependency; 186

(4) By any means, do any of the following: 187

(a) Furnish or administer a controlled substance to a 188  
juvenile who is at least two years the offender's junior, when 189  
the offender knows the age of the juvenile or is reckless in 190  
that regard; 191

(b) Induce or cause a juvenile who is at least two years 192  
the offender's junior to use a controlled substance, when the 193  
offender knows the age of the juvenile or is reckless in that 194  
regard; 195

(c) Induce or cause a juvenile who is at least two years 196

the offender's junior to commit a felony drug abuse offense, 197  
when the offender knows the age of the juvenile or is reckless 198  
in that regard; 199

(d) Use a juvenile, whether or not the offender knows the 200  
age of the juvenile, to perform any surveillance activity that 201  
is intended to prevent the detection of the offender or any 202  
other person in the commission of a felony drug abuse offense or 203  
to prevent the arrest of the offender or any other person for 204  
the commission of a felony drug abuse offense. 205

(5) By any means, furnish or administer a controlled 206  
substance to a pregnant woman or induce or cause a pregnant 207  
woman to use a controlled substance, when the offender knows 208  
that the woman is pregnant or is reckless in that regard. 209

(B) Division (A) (1), (3), (4), or (5) of this section does 210  
not apply to manufacturers, wholesalers, licensed health 211  
professionals authorized to prescribe drugs, pharmacists, owners 212  
of pharmacies, and other persons whose conduct is in accordance 213  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 214  
4741. of the Revised Code. 215

(C) Whoever violates this section is guilty of corrupting 216  
another with drugs. The penalty for the offense shall be 217  
determined as follows: 218

(1) If the offense is a violation of division (A) (1), (2), 219  
(3), or (4) of this section and the drug involved is any 220  
compound, mixture, preparation, or substance included in 221  
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 222  
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 223  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 224  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 225



(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 226  
offender shall be punished as follows: 227

(a) Except as otherwise provided in division (C) (1) (b) of 228  
this section, corrupting another with drugs committed in those 229  
circumstances is a felony of the second degree and, subject to 230  
division (E) of this section, the court shall impose as a 231  
mandatory prison term a second degree felony mandatory prison 232  
term. 233

(b) If the offense was committed in the vicinity of a 234  
school, corrupting another with drugs committed in those 235  
circumstances is a felony of the first degree, and, subject to 236  
division (E) of this section, the court shall impose as a 237  
mandatory prison term a first degree felony mandatory prison 238  
term. 239

(2) If the offense is a violation of division (A) (1), (2), 240  
(3), or (4) of this section and the drug involved is any 241  
compound, mixture, preparation, or substance included in 242  
schedule III, IV, or V, the offender shall be punished as 243  
follows: 244

(a) Except as otherwise provided in division (C) (2) (b) of 245  
this section, corrupting another with drugs committed in those 246  
circumstances is a felony of the second degree and there is a 247  
presumption for a prison term for the offense. 248

(b) If the offense was committed in the vicinity of a 249  
school, corrupting another with drugs committed in those 250  
circumstances is a felony of the second degree and the court 251  
shall impose as a mandatory prison term a second degree felony 252  
mandatory prison term. 253

(3) If the offense is a violation of division (A) (1), (2), 254

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

(a) Except as otherwise provided in division (C) (3) (b) of 261  
this section, corrupting another with drugs committed in those 262  
circumstances is a felony of the fourth degree and division (C) 263  
of section 2929.13 of the Revised Code applies in determining 264  
whether to impose a prison term on the offender. 265

(b) If the offense was committed in the vicinity of a 266  
school, corrupting another with drugs committed in those 267  
circumstances is a felony of the third degree and division (C) 268  
of section 2929.13 of the Revised Code applies in determining 269  
whether to impose a prison term on the offender. 270

(4) If the offense is a violation of division (A) (5) of 271  
this section and the drug involved is any compound, mixture, 272  
preparation, or substance included in schedule I or II, with the 273  
exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 274  
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 275  
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 276  
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 277  
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 278  
felony of the first degree and, subject to division (E) of this 279  
section, the court shall impose as a mandatory prison term a 280  
first degree felony mandatory prison term. 281

(5) If the offense is a violation of division (A) (5) of 282  
this section and the drug involved is any compound, mixture, 283  
preparation, or substance included in schedule III, IV, or V, 284

corrupting another with drugs is a felony of the second degree 285  
and the court shall impose as a mandatory prison term a second 286  
degree felony mandatory prison term. 287

(6) If the offense is a violation of division (A) (5) of 288  
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 289  
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 290  
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 291  
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 292  
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 293  
corrupting another with drugs is a felony of the third degree 294  
and division (C) of section 2929.13 of the Revised Code applies 295  
in determining whether to impose a prison term on the offender. 296

(D) In addition to any prison term authorized or required 297  
by division (C) or (E) of this section and sections 2929.13 and 298  
2929.14 of the Revised Code and in addition to any other 299  
sanction imposed for the offense under this section or sections 300  
2929.11 to 2929.18 of the Revised Code, the court that sentences 301  
an offender who is convicted of or pleads guilty to a violation 302  
of division (A) of this section ~~may suspend for not more than~~ 303  
~~five years the offender's driver's or commercial driver's~~ 304  
~~license or permit. However, if the offender pleaded guilty to or~~ 305  
~~was convicted of a violation of section 4511.19 of the Revised~~ 306  
~~Code or a substantially similar municipal ordinance or the law~~ 307  
~~of another state or the United States arising out of the same~~ 308  
~~set of circumstances as the violation, the court shall suspend~~ 309  
~~the offender's driver's or commercial driver's license or permit~~ 310  
~~for not more than five years. The court also shall do all of the~~ 311  
following that are applicable regarding the offender: 312

(1) (a) If the violation is a felony of the first, second, 313  
or third degree, the court shall impose upon the offender the 314

mandatory fine specified for the offense under division (B) (1) 315  
of section 2929.18 of the Revised Code unless, as specified in 316  
that division, the court determines that the offender is 317  
indigent. 318

(b) Notwithstanding any contrary provision of section 319  
3719.21 of the Revised Code, any mandatory fine imposed pursuant 320  
to division (D) (1) (a) of this section and any fine imposed for a 321  
violation of this section pursuant to division (A) of section 322  
2929.18 of the Revised Code shall be paid by the clerk of the 323  
court in accordance with and subject to the requirements of, and 324  
shall be used as specified in, division (F) of section 2925.03 325  
of the Revised Code. 326

(c) If a person is charged with any violation of this 327  
section that is a felony of the first, second, or third degree, 328  
posts bail, and forfeits the bail, the forfeited bail shall be 329  
paid by the clerk of the court pursuant to division (D) (1) (b) of 330  
this section as if it were a fine imposed for a violation of 331  
this section. 332

(2) If the offender is a professionally licensed person, 333  
in addition to any other sanction imposed for a violation of 334  
this section, the court immediately shall comply with section 335  
2925.38 of the Revised Code. 336

(3) If the offender has a driver's or commercial driver's 337  
license or permit, section 2929.33 of the Revised Code applies. 338

(E) Notwithstanding the prison term otherwise authorized 339  
or required for the offense under division (C) of this section 340  
and sections 2929.13 and 2929.14 of the Revised Code, if the 341  
violation of division (A) of this section involves the sale, 342  
offer to sell, or possession of a schedule I or II controlled 343

substance, with the exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term that otherwise is authorized or required, shall impose upon the offender the mandatory prison term specified in division (B) (3) (a) of section 2929.14 of the Revised Code.

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

~~(2)~~ (F) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same

set of circumstances as the violation for which the offender's 375  
license or permit was suspended under this section shall not 376  
file such a motion. 377

Upon the filing of a motion under division ~~(F)(2)~~ (F) of 378  
this section, the sentencing court, in its discretion, may 379  
terminate the suspension. 380

**Sec. 2925.03.** (A) No person shall knowingly do any of the 381  
following: 382

(1) Sell or offer to sell a controlled substance or a 383  
controlled substance analog; 384

(2) Prepare for shipment, ship, transport, deliver, 385  
prepare for distribution, or distribute a controlled substance 386  
or a controlled substance analog, when the offender knows or has 387  
reasonable cause to believe that the controlled substance or a 388  
controlled substance analog is intended for sale or resale by 389  
the offender or another person. 390

(B) This section does not apply to any of the following: 391

(1) Manufacturers, licensed health professionals 392  
authorized to prescribe drugs, pharmacists, owners of 393  
pharmacies, and other persons whose conduct is in accordance 394  
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 395  
4741. of the Revised Code; 396

(2) If the offense involves an anabolic steroid, any 397  
person who is conducting or participating in a research project 398  
involving the use of an anabolic steroid if the project has been 399  
approved by the United States food and drug administration; 400

(3) Any person who sells, offers for sale, prescribes, 401  
dispenses, or administers for livestock or other nonhuman 402

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

(C) Whoever violates division (A) of this section is 410  
guilty of one of the following: 411

(1) If the drug involved in the violation is any compound, 412  
mixture, preparation, or substance included in schedule I or 413  
schedule II, with the exception of marihuana, cocaine, L.S.D., 414  
heroin, any fentanyl-related compound, hashish, and any 415  
controlled substance analog, whoever violates division (A) of 416  
this section is guilty of aggravated trafficking in drugs. The 417  
penalty for the offense shall be determined as follows: 418

(a) Except as otherwise provided in division (C) (1) (b), 419  
(c), (d), (e), or (f) of this section, aggravated trafficking in 420  
drugs is a felony of the fourth degree, and division (C) of 421  
section 2929.13 of the Revised Code applies in determining 422  
whether to impose a prison term on the offender. 423

(b) Except as otherwise provided in division (C) (1) (c), 424  
(d), (e), or (f) of this section, if the offense was committed 425  
in the vicinity of a school, in the vicinity of a juvenile, or 426  
in the vicinity of a substance addiction services provider or a 427  
recovering addict, aggravated trafficking in drugs is a felony 428  
of the third degree, and division (C) of section 2929.13 of the 429  
Revised Code applies in determining whether to impose a prison 430  
term on the offender. 431

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

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



(e) If the amount of the drug involved equals or exceeds 463  
fifty times the bulk amount but is less than one hundred times 464  
the bulk amount and regardless of whether the offense was 465  
committed in the vicinity of a school, in the vicinity of a 466  
juvenile, or in the vicinity of a substance addiction services 467  
provider or a recovering addict, aggravated trafficking in drugs 468  
is a felony of the first degree, and the court shall impose as a 469  
mandatory prison term a first degree felony mandatory prison 470  
term. 471

(f) If the amount of the drug involved equals or exceeds 472  
one hundred times the bulk amount and regardless of whether the 473  
offense was committed in the vicinity of a school, in the 474  
vicinity of a juvenile, or in the vicinity of a substance 475  
addiction services provider or a recovering addict, aggravated 476  
trafficking in drugs is a felony of the first degree, the 477  
offender is a major drug offender, and the court shall impose as 478  
a mandatory prison term a maximum first degree felony mandatory 479  
prison term. 480

(2) If the drug involved in the violation is any compound, 481  
mixture, preparation, or substance included in schedule III, IV, 482  
or V, whoever violates division (A) of this section is guilty of 483  
trafficking in drugs. The penalty for the offense shall be 484  
determined as follows: 485

(a) Except as otherwise provided in division (C) (2) (b), 486  
(c), (d), or (e) of this section, trafficking in drugs is a 487  
felony of the fifth degree, and division (B) of section 2929.13 488  
of the Revised Code applies in determining whether to impose a 489  
prison term on the offender. 490

(b) Except as otherwise provided in division (C) (2) (c), 491  
(d), or (e) of this section, if the offense was committed in the 492

vicinity of a school or in the vicinity of a juvenile, 493  
trafficking in drugs is a felony of the fourth degree, and 494  
division (C) of section 2929.13 of the Revised Code applies in 495  
determining whether to impose a prison term on the offender. 496

(c) Except as otherwise provided in this division, if the 497  
amount of the drug involved equals or exceeds the bulk amount 498  
but is less than five times the bulk amount, trafficking in 499  
drugs is a felony of the fourth degree, and division (B) of 500  
section 2929.13 of the Revised Code applies in determining 501  
whether to impose a prison term for the offense. If the amount 502  
of the drug involved is within that range and if the offense was 503  
committed in the vicinity of a school or in the vicinity of a 504  
juvenile, trafficking in drugs is a felony of the third degree, 505  
and there is a presumption for a prison term for the offense. 506

(d) Except as otherwise provided in this division, if the 507  
amount of the drug involved equals or exceeds five times the 508  
bulk amount but is less than fifty times the bulk amount, 509  
trafficking in drugs is a felony of the third degree, and there 510  
is a presumption for a prison term for the offense. If the 511  
amount of the drug involved is within that range and if the 512  
offense was committed in the vicinity of a school or in the 513  
vicinity of a juvenile, trafficking in drugs is a felony of the 514  
second degree, and there is a presumption for a prison term for 515  
the offense. 516

(e) Except as otherwise provided in this division, if the 517  
amount of the drug involved equals or exceeds fifty times the 518  
bulk amount, trafficking in drugs is a felony of the second 519  
degree, and the court shall impose as a mandatory prison term a 520  
second degree felony mandatory prison term. If the amount of the 521  
drug involved equals or exceeds fifty times the bulk amount and 522

if the offense was committed in the vicinity of a school or in 523  
the vicinity of a juvenile, trafficking in drugs is a felony of 524  
the first degree, and the court shall impose as a mandatory 525  
prison term a first degree felony mandatory prison term. 526

(3) If the drug involved in the violation is marihuana or 527  
a compound, mixture, preparation, or substance containing 528  
marihuana other than hashish, whoever violates division (A) of 529  
this section is guilty of trafficking in marihuana. The penalty 530  
for the offense shall be determined as follows: 531

(a) Except as otherwise provided in division (C) (3) (b), 532  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 533  
marihuana is a felony of the fifth degree, and division (B) of 534  
section 2929.13 of the Revised Code applies in determining 535  
whether to impose a prison term on the offender. 536

(b) Except as otherwise provided in division (C) (3) (c), 537  
(d), (e), (f), (g), or (h) of this section, if the offense was 538  
committed in the vicinity of a school or in the vicinity of a 539  
juvenile, trafficking in marihuana is a felony of the fourth 540  
degree, and division (B) of section 2929.13 of the Revised Code 541  
applies in determining whether to impose a prison term on the 542  
offender. 543

(c) Except as otherwise provided in this division, if the 544  
amount of the drug involved equals or exceeds two hundred grams 545  
but is less than one thousand grams, trafficking in marihuana is 546  
a felony of the fourth degree, and division (B) of section 547  
2929.13 of the Revised Code applies in determining whether to 548  
impose a prison term on the offender. If the amount of the drug 549  
involved is within that range and if the offense was committed 550  
in the vicinity of a school or in the vicinity of a juvenile, 551  
trafficking in marihuana is a felony of the third degree, and 552

division (C) of section 2929.13 of the Revised Code applies in 553  
determining whether to impose a prison term on the offender. 554

(d) Except as otherwise provided in this division, if the 555  
amount of the drug involved equals or exceeds one thousand grams 556  
but is less than five thousand grams, trafficking in marihuana 557  
is a felony of the third degree, and division (C) of section 558  
2929.13 of the Revised Code applies in determining whether to 559  
impose a prison term on the offender. If the amount of the drug 560  
involved is within that range and if the offense was committed 561  
in the vicinity of a school or in the vicinity of a juvenile, 562  
trafficking in marihuana is a felony of the second degree, and 563  
there is a presumption that a prison term shall be imposed for 564  
the offense. 565

(e) Except as otherwise provided in this division, if the 566  
amount of the drug involved equals or exceeds five thousand 567  
grams but is less than twenty thousand grams, trafficking in 568  
marihuana is a felony of the third degree, and there is a 569  
presumption that a prison term shall be imposed for the offense. 570  
If the amount of the drug involved is within that range and if 571  
the offense was committed in the vicinity of a school or in the 572  
vicinity of a juvenile, trafficking in marihuana is a felony of 573  
the second degree, and there is a presumption that a prison term 574  
shall be imposed for the offense. 575

(f) Except as otherwise provided in this division, if the 576  
amount of the drug involved equals or exceeds twenty thousand 577  
grams but is less than forty thousand grams, trafficking in 578  
marihuana is a felony of the second degree, and the court shall 579  
impose as a mandatory prison term a second degree felony 580  
mandatory prison term of five, six, seven, or eight years. If 581  
the amount of the drug involved is within that range and if the 582

offense was committed in the vicinity of a school or in the 583  
vicinity of a juvenile, trafficking in marihuana is a felony of 584  
the first degree, and the court shall impose as a mandatory 585  
prison term a maximum first degree felony mandatory prison term. 586

(g) Except as otherwise provided in this division, if the 587  
amount of the drug involved equals or exceeds forty thousand 588  
grams, trafficking in marihuana is a felony of the second 589  
degree, and the court shall impose as a mandatory prison term a 590  
maximum second degree felony mandatory prison term. If the 591  
amount of the drug involved equals or exceeds forty thousand 592  
grams and if the offense was committed in the vicinity of a 593  
school or in the vicinity of a juvenile, trafficking in 594  
marihuana is a felony of the first degree, and the court shall 595  
impose as a mandatory prison term a maximum first degree felony 596  
mandatory prison term. 597

(h) Except as otherwise provided in this division, if the 598  
offense involves a gift of twenty grams or less of marihuana, 599  
trafficking in marihuana is a minor misdemeanor upon a first 600  
offense and a misdemeanor of the third degree upon a subsequent 601  
offense. If the offense involves a gift of twenty grams or less 602  
of marihuana and if the offense was committed in the vicinity of 603  
a school or in the vicinity of a juvenile, trafficking in 604  
marihuana is a misdemeanor of the third degree. 605

(4) If the drug involved in the violation is cocaine or a 606  
compound, mixture, preparation, or substance containing cocaine, 607  
whoever violates division (A) of this section is guilty of 608  
trafficking in cocaine. The penalty for the offense shall be 609  
determined as follows: 610

(a) Except as otherwise provided in division (C) (4) (b), 611  
(c), (d), (e), (f), or (g) of this section, trafficking in 612

cocaine is a felony of the fifth degree, and division (B) of 613  
section 2929.13 of the Revised Code applies in determining 614  
whether to impose a prison term on the offender. 615

(b) Except as otherwise provided in division (C) (4) (c), 616  
(d), (e), (f), or (g) of this section, if the offense was 617  
committed in the vicinity of a school, in the vicinity of a 618  
juvenile, or in the vicinity of a substance addiction services 619  
provider or a recovering addict, trafficking in cocaine is a 620  
felony of the fourth degree, and division (C) of section 2929.13 621  
of the Revised Code applies in determining whether to impose a 622  
prison term on the offender. 623

(c) Except as otherwise provided in this division, if the 624  
amount of the drug involved equals or exceeds five grams but is 625  
less than ten grams of cocaine, trafficking in cocaine is a 626  
felony of the fourth degree, and division (B) of section 2929.13 627  
of the Revised Code applies in determining whether to impose a 628  
prison term for the offense. If the amount of the drug involved 629  
is within that range and if the offense was committed in the 630  
vicinity of a school, in the vicinity of a juvenile, or in the 631  
vicinity of a substance addiction services provider or a 632  
recovering addict, trafficking in cocaine is a felony of the 633  
third degree, and there is a presumption for a prison term for 634  
the offense. 635

(d) Except as otherwise provided in this division, if the 636  
amount of the drug involved equals or exceeds ten grams but is 637  
less than twenty grams of cocaine, trafficking in cocaine is a 638  
felony of the third degree, and, except as otherwise provided in 639  
this division, there is a presumption for a prison term for the 640  
offense. If trafficking in cocaine is a felony of the third 641  
degree under this division and if the offender two or more times 642

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

(e) Except as otherwise provided in this division, if the 653  
amount of the drug involved equals or exceeds twenty grams but 654  
is less than twenty-seven grams of cocaine, trafficking in 655  
cocaine is a felony of the second degree, and the court shall 656  
impose as a mandatory prison term a second degree felony 657  
mandatory prison term. If the amount of the drug involved is 658  
within that range and if the offense was committed in the 659  
vicinity of a school, in the vicinity of a juvenile, or in the 660  
vicinity of a substance addiction services provider or a 661  
recovering addict, trafficking in cocaine is a felony of the 662  
first degree, and the court shall impose as a mandatory prison 663  
term a first degree felony mandatory prison term. 664

(f) If the amount of the drug involved equals or exceeds 665  
twenty-seven grams but is less than one hundred grams of cocaine 666  
and regardless of whether the offense was committed in the 667  
vicinity of a school, in the vicinity of a juvenile, or in the 668  
vicinity of a substance addiction services provider or a 669  
recovering addict, trafficking in cocaine is a felony of the 670  
first degree, and the court shall impose as a mandatory prison 671  
term a first degree felony mandatory prison term. 672

(g) If the amount of the drug involved equals or exceeds 673  
one hundred grams of cocaine and regardless of whether the 674  
offense was committed in the vicinity of a school, in the 675  
vicinity of a juvenile, or in the vicinity of a substance 676  
addiction services provider or a recovering addict, trafficking 677  
in cocaine is a felony of the first degree, the offender is a 678  
major drug offender, and the court shall impose as a mandatory 679  
prison term a maximum first degree felony mandatory prison term. 680

(5) If the drug involved in the violation is L.S.D. or a 681  
compound, mixture, preparation, or substance containing L.S.D., 682  
whoever violates division (A) of this section is guilty of 683  
trafficking in L.S.D. The penalty for the offense shall be 684  
determined as follows: 685

(a) Except as otherwise provided in division (C) (5) (b), 686  
(c), (d), (e), (f), or (g) of this section, trafficking in 687  
L.S.D. is a felony of the fifth degree, and division (B) of 688  
section 2929.13 of the Revised Code applies in determining 689  
whether to impose a prison term on the offender. 690

(b) Except as otherwise provided in division (C) (5) (c), 691  
(d), (e), (f), or (g) of this section, if the offense was 692  
committed in the vicinity of a school, in the vicinity of a 693  
juvenile, or in the vicinity of a substance addiction services 694  
provider or a recovering addict, trafficking in L.S.D. is a 695  
felony of the fourth degree, and division (C) of section 2929.13 696  
of the Revised Code applies in determining whether to impose a 697  
prison term on the offender. 698

(c) Except as otherwise provided in this division, if the 699  
amount of the drug involved equals or exceeds ten unit doses but 700  
is less than fifty unit doses of L.S.D. in a solid form or 701  
equals or exceeds one gram but is less than five grams of L.S.D. 702



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

(d) Except as otherwise provided in this division, if the 713  
amount of the drug involved equals or exceeds fifty unit doses 714  
but is less than two hundred fifty unit doses of L.S.D. in a 715  
solid form or equals or exceeds five grams but is less than 716  
twenty-five grams of L.S.D. in a liquid concentrate, liquid 717  
extract, or liquid distillate form, trafficking in L.S.D. is a 718  
felony of the third degree, and, except as otherwise provided in 719  
this division, there is a presumption for a prison term for the 720  
offense. If trafficking in L.S.D. is a felony of the third 721  
degree under this division and if the offender two or more times 722  
previously has been convicted of or pleaded guilty to a felony 723  
drug abuse offense, the court shall impose as a mandatory prison 724  
term one of the prison terms prescribed for a felony of the 725  
third degree. If the amount of the drug involved is within that 726  
range and if the offense was committed in the vicinity of a 727  
school, in the vicinity of a juvenile, or in the vicinity of a 728  
substance addiction services provider or a recovering addict, 729  
trafficking in L.S.D. is a felony of the second degree, and the 730  
court shall impose as a mandatory prison term a second degree 731  
felony mandatory prison term. 732

(e) Except as otherwise provided in this division, if the 733

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

(f) If the amount of the drug involved equals or exceeds 748  
one thousand unit doses but is less than five thousand unit 749  
doses of L.S.D. in a solid form or equals or exceeds one hundred 750  
grams but is less than five hundred grams of L.S.D. in a liquid 751  
concentrate, liquid extract, or liquid distillate form and 752  
regardless of whether the offense was committed in the vicinity 753  
of a school, in the vicinity of a juvenile, or in the vicinity 754  
of a substance addiction services provider or a recovering 755  
addict, trafficking in L.S.D. is a felony of the first degree, 756  
and the court shall impose as a mandatory prison term a first 757  
degree felony mandatory prison term. 758

(g) If the amount of the drug involved equals or exceeds 759  
five thousand unit doses of L.S.D. in a solid form or equals or 760  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 761  
liquid extract, or liquid distillate form and regardless of 762  
whether the offense was committed in the vicinity of a school, 763  
in the vicinity of a juvenile, or in the vicinity of a substance 764

addiction services provider or a recovering addict, trafficking 765  
in L.S.D. is a felony of the first degree, the offender is a 766  
major drug offender, and the court shall impose as a mandatory 767  
prison term a maximum first degree felony mandatory prison term. 768

(6) If the drug involved in the violation is heroin or a 769  
compound, mixture, preparation, or substance containing heroin, 770  
whoever violates division (A) of this section is guilty of 771  
trafficking in heroin. The penalty for the offense shall be 772  
determined as follows: 773

(a) Except as otherwise provided in division (C) (6) (b), 774  
(c), (d), (e), (f), or (g) of this section, trafficking in 775  
heroin is a felony of the fifth degree, and division (B) of 776  
section 2929.13 of the Revised Code applies in determining 777  
whether to impose a prison term on the offender. 778

(b) Except as otherwise provided in division (C) (6) (c), 779  
(d), (e), (f), or (g) of this section, if the offense was 780  
committed in the vicinity of a school, in the vicinity of a 781  
juvenile, or in the vicinity of a substance addiction services 782  
provider or a recovering addict, trafficking in heroin is a 783  
felony of the fourth degree, and division (C) of section 2929.13 784  
of the Revised Code applies in determining whether to impose a 785  
prison term on the offender. 786

(c) Except as otherwise provided in this division, if the 787  
amount of the drug involved equals or exceeds ten unit doses but 788  
is less than fifty unit doses or equals or exceeds one gram but 789  
is less than five grams, trafficking in heroin is a felony of 790  
the fourth degree, and division (B) of section 2929.13 of the 791  
Revised Code applies in determining whether to impose a prison 792  
term for the offense. If the amount of the drug involved is 793  
within that range and if the offense was committed in the 794

vicinity of a school, in the vicinity of a juvenile, or in the 795  
vicinity of a substance addiction services provider or a 796  
recovering addict, trafficking in heroin is a felony of the 797  
third degree, and there is a presumption for a prison term for 798  
the offense. 799

(d) Except as otherwise provided in this division, if the 800  
amount of the drug involved equals or exceeds fifty unit doses 801  
but is less than one hundred unit doses or equals or exceeds 802  
five grams but is less than ten grams, trafficking in heroin is 803  
a felony of the third degree, and there is a presumption for a 804  
prison term for the offense. If the amount of the drug involved 805  
is within that range and if the offense was committed in the 806  
vicinity of a school, in the vicinity of a juvenile, or in the 807  
vicinity of a substance addiction services provider or a 808  
recovering addict, trafficking in heroin is a felony of the 809  
second degree, and there is a presumption for a prison term for 810  
the offense. 811

(e) Except as otherwise provided in this division, if the 812  
amount of the drug involved equals or exceeds one hundred unit 813  
doses but is less than five hundred unit doses or equals or 814  
exceeds ten grams but is less than fifty grams, trafficking in 815  
heroin is a felony of the second degree, and the court shall 816  
impose as a mandatory prison term a second degree felony 817  
mandatory prison term. If the amount of the drug involved is 818  
within that range and if the offense was committed in the 819  
vicinity of a school, in the vicinity of a juvenile, or in the 820  
vicinity of a substance addiction services provider or a 821  
recovering addict, trafficking in heroin is a felony of the 822  
first degree, and the court shall impose as a mandatory prison 823  
term a first degree felony mandatory prison term. 824

(f) If the amount of the drug involved equals or exceeds 825  
five hundred unit doses but is less than one thousand unit doses 826  
or equals or exceeds fifty grams but is less than one hundred 827  
grams and regardless of whether the offense was committed in the 828  
vicinity of a school, in the vicinity of a juvenile, or in the 829  
vicinity of a substance addiction services provider or a 830  
recovering addict, trafficking in heroin is a felony of the 831  
first degree, and the court shall impose as a mandatory prison 832  
term a first degree felony mandatory prison term. 833

(g) If the amount of the drug involved equals or exceeds 834  
one thousand unit doses or equals or exceeds one hundred grams 835  
and regardless of whether the offense was committed in the 836  
vicinity of a school, in the vicinity of a juvenile, or in the 837  
vicinity of a substance addiction services provider or a 838  
recovering addict, trafficking in heroin is a felony of the 839  
first degree, the offender is a major drug offender, and the 840  
court shall impose as a mandatory prison term a maximum first 841  
degree felony mandatory prison term. 842

(7) If the drug involved in the violation is hashish or a 843  
compound, mixture, preparation, or substance containing hashish, 844  
whoever violates division (A) of this section is guilty of 845  
trafficking in hashish. The penalty for the offense shall be 846  
determined as follows: 847

(a) Except as otherwise provided in division (C) (7) (b), 848  
(c), (d), (e), (f), or (g) of this section, trafficking in 849  
hashish is a felony of the fifth degree, and division (B) of 850  
section 2929.13 of the Revised Code applies in determining 851  
whether to impose a prison term on the offender. 852

(b) Except as otherwise provided in division (C) (7) (c), 853  
(d), (e), (f), or (g) of this section, if the offense was 854

committed in the vicinity of a school, in the vicinity of a 855  
juvenile, or in the vicinity of a substance addiction services 856  
provider or a recovering addict, trafficking in hashish is a 857  
felony of the fourth degree, and division (B) of section 2929.13 858  
of the Revised Code applies in determining whether to impose a 859  
prison term on the offender. 860

(c) Except as otherwise provided in this division, if the 861  
amount of the drug involved equals or exceeds ten grams but is 862  
less than fifty grams of hashish in a solid form or equals or 863  
exceeds two grams but is less than ten grams of hashish in a 864  
liquid concentrate, liquid extract, or liquid distillate form, 865  
trafficking in hashish is a felony of the fourth degree, and 866  
division (B) of section 2929.13 of the Revised Code applies in 867  
determining whether to impose a prison term on the offender. If 868  
the amount of the drug involved is within that range and if the 869  
offense was committed in the vicinity of a school, in the 870  
vicinity of a juvenile, or in the vicinity of a substance 871  
addiction services provider or a recovering addict, trafficking 872  
in hashish is a felony of the third degree, and division (C) of 873  
section 2929.13 of the Revised Code applies in determining 874  
whether to impose a prison term on the offender. 875

(d) Except as otherwise provided in this division, if the 876  
amount of the drug involved equals or exceeds fifty grams but is 877  
less than two hundred fifty grams of hashish in a solid form or 878  
equals or exceeds ten grams but is less than fifty grams of 879  
hashish in a liquid concentrate, liquid extract, or liquid 880  
distillate form, trafficking in hashish is a felony of the third 881  
degree, and division (C) of section 2929.13 of the Revised Code 882  
applies in determining whether to impose a prison term on the 883  
offender. If the amount of the drug involved is within that 884  
range and if the offense was committed in the vicinity of a 885

school, in the vicinity of a juvenile, or in the vicinity of a 886  
substance addiction services provider or a recovering addict, 887  
trafficking in hashish is a felony of the second degree, and 888  
there is a presumption that a prison term shall be imposed for 889  
the offense. 890

(e) Except as otherwise provided in this division, if the 891  
amount of the drug involved equals or exceeds two hundred fifty 892  
grams but is less than one thousand grams of hashish in a solid 893  
form or equals or exceeds fifty grams but is less than two 894  
hundred grams of hashish in a liquid concentrate, liquid 895  
extract, or liquid distillate form, trafficking in hashish is a 896  
felony of the third degree, and there is a presumption that a 897  
prison term shall be imposed for the offense. If the amount of 898  
the drug involved is within that range and if the offense was 899  
committed in the vicinity of a school, in the vicinity of a 900  
juvenile, or in the vicinity of a substance addiction services 901  
provider or a recovering addict, trafficking in hashish is a 902  
felony of the second degree, and there is a presumption that a 903  
prison term shall be imposed for the offense. 904

(f) Except as otherwise provided in this division, if the 905  
amount of the drug involved equals or exceeds one thousand grams 906  
but is less than two thousand grams of hashish in a solid form 907  
or equals or exceeds two hundred grams but is less than four 908  
hundred grams of hashish in a liquid concentrate, liquid 909  
extract, or liquid distillate form, trafficking in hashish is a 910  
felony of the second degree, and the court shall impose as a 911  
mandatory prison term a second degree felony mandatory prison 912  
term of five, six, seven, or eight years. If the amount of the 913  
drug involved is within that range and if the offense was 914  
committed in the vicinity of a school, in the vicinity of a 915  
juvenile, or in the vicinity of a substance addiction services 916

provider or a recovering addict, trafficking in hashish is a 917  
felony of the first degree, and the court shall impose as a 918  
mandatory prison term a maximum first degree felony mandatory 919  
prison term. 920

(g) Except as otherwise provided in this division, if the 921  
amount of the drug involved equals or exceeds two thousand grams 922  
of hashish in a solid form or equals or exceeds four hundred 923  
grams of hashish in a liquid concentrate, liquid extract, or 924  
liquid distillate form, trafficking in hashish is a felony of 925  
the second degree, and the court shall impose as a mandatory 926  
prison term a maximum second degree felony mandatory prison 927  
term. If the amount of the drug involved equals or exceeds two 928  
thousand grams of hashish in a solid form or equals or exceeds 929  
four hundred grams of hashish in a liquid concentrate, liquid 930  
extract, or liquid distillate form and if the offense was 931  
committed in the vicinity of a school, in the vicinity of a 932  
juvenile, or in the vicinity of a substance addiction services 933  
provider or a recovering addict, trafficking in hashish is a 934  
felony of the first degree, and the court shall impose as a 935  
mandatory prison term a maximum first degree felony mandatory 936  
prison term. 937

(8) If the drug involved in the violation is a controlled 938  
substance analog or compound, mixture, preparation, or substance 939  
that contains a controlled substance analog, whoever violates 940  
division (A) of this section is guilty of trafficking in a 941  
controlled substance analog. The penalty for the offense shall 942  
be determined as follows: 943

(a) Except as otherwise provided in division (C) (8) (b), 944  
(c), (d), (e), (f), or (g) of this section, trafficking in a 945  
controlled substance analog is a felony of the fifth degree, and 946



division (C) of section 2929.13 of the Revised Code applies in 947  
determining whether to impose a prison term on the offender. 948

(b) Except as otherwise provided in division (C) (8) (c), 949  
(d), (e), (f), or (g) of this section, if the offense was 950  
committed in the vicinity of a school, in the vicinity of a 951  
juvenile, or in the vicinity of a substance addiction services 952  
provider or a recovering addict, trafficking in a controlled 953  
substance analog is a felony of the fourth degree, and division 954  
(C) of section 2929.13 of the Revised Code applies in 955  
determining whether to impose a prison term on the offender. 956

(c) Except as otherwise provided in this division, if the 957  
amount of the drug involved equals or exceeds ten grams but is 958  
less than twenty grams, trafficking in a controlled substance 959  
analog is a felony of the fourth degree, and division (B) of 960  
section 2929.13 of the Revised Code applies in determining 961  
whether to impose a prison term for the offense. If the amount 962  
of the drug involved is within that range and if the offense was 963  
committed in the vicinity of a school, in the vicinity of a 964  
juvenile, or in the vicinity of a substance addiction services 965  
provider or a recovering addict, trafficking in a controlled 966  
substance analog is a felony of the third degree, and there is a 967  
presumption for a prison term for the offense. 968

(d) Except as otherwise provided in this division, if the 969  
amount of the drug involved equals or exceeds twenty grams but 970  
is less than thirty grams, trafficking in a controlled substance 971  
analog is a felony of the third degree, and there is a 972  
presumption for a prison term for the offense. If the amount of 973  
the drug involved is within that range and if the offense was 974  
committed in the vicinity of a school, in the vicinity of a 975  
juvenile, or in the vicinity of a substance addiction services 976

provider or a recovering addict, trafficking in a controlled 977  
substance analog is a felony of the second degree, and there is 978  
a presumption for a prison term for the offense. 979

(e) Except as otherwise provided in this division, if the 980  
amount of the drug involved equals or exceeds thirty grams but 981  
is less than forty grams, trafficking in a controlled substance 982  
analog is a felony of the second degree, and the court shall 983  
impose as a mandatory prison term a second degree felony 984  
mandatory prison term. If the amount of the drug involved is 985  
within that range and if the offense was committed in the 986  
vicinity of a school, in the vicinity of a juvenile, or in the 987  
vicinity of a substance addiction services provider or a 988  
recovering addict, trafficking in a controlled substance analog 989  
is a felony of the first degree, and the court shall impose as a 990  
mandatory prison term a first degree felony mandatory prison 991  
term. 992

(f) If the amount of the drug involved equals or exceeds 993  
forty grams but is less than fifty grams and regardless of 994  
whether the offense was committed in the vicinity of a school, 995  
in the vicinity of a juvenile, or in the vicinity of a substance 996  
addiction services provider or a recovering addict, trafficking 997  
in a controlled substance analog is a felony of the first 998  
degree, and the court shall impose as a mandatory prison term a 999  
first degree felony mandatory prison term. 1000

(g) If the amount of the drug involved equals or exceeds 1001  
fifty grams and regardless of whether the offense was committed 1002  
in the vicinity of a school, in the vicinity of a juvenile, or 1003  
in the vicinity of a substance addiction services provider or a 1004  
recovering addict, trafficking in a controlled substance analog 1005  
is a felony of the first degree, the offender is a major drug 1006

offender, and the court shall impose as a mandatory prison term 1007  
a maximum first degree felony mandatory prison term. 1008

(9) If the drug involved in the violation is a fentanyl- 1009  
related compound or a compound, mixture, preparation, or 1010  
substance containing a fentanyl-related compound and division 1011  
(C) (10) (a) of this section does not apply to the drug involved, 1012  
whoever violates division (A) of this section is guilty of 1013  
trafficking in a fentanyl-related compound. The penalty for the 1014  
offense shall be determined as follows: 1015

(a) Except as otherwise provided in division (C) (9) (b), 1016  
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1017  
a fentanyl-related compound is a felony of the fifth degree, and 1018  
division (B) of section 2929.13 of the Revised Code applies in 1019  
determining whether to impose a prison term on the offender. 1020

(b) Except as otherwise provided in division (C) (9) (c), 1021  
(d), (e), (f), (g), or (h) of this section, if the offense was 1022  
committed in the vicinity of a school, in the vicinity of a 1023  
juvenile, or in the vicinity of a substance addiction services 1024  
provider or a recovering addict, trafficking in a fentanyl- 1025  
related compound is a felony of the fourth degree, and division 1026  
(C) of section 2929.13 of the Revised Code applies in 1027  
determining whether to impose a prison term on the offender. 1028

(c) Except as otherwise provided in this division, if the 1029  
amount of the drug involved equals or exceeds ten unit doses but 1030  
is less than fifty unit doses or equals or exceeds one gram but 1031  
is less than five grams, trafficking in a fentanyl-related 1032  
compound is a felony of the fourth degree, and division (B) of 1033  
section 2929.13 of the Revised Code applies in determining 1034  
whether to impose a prison term for the offense. If the amount 1035  
of the drug involved is within that range and if the offense was 1036

committed in the vicinity of a school, in the vicinity of a 1037  
juvenile, or in the vicinity of a substance addiction services 1038  
provider or a recovering addict, trafficking in a fentanyl- 1039  
related compound is a felony of the third degree, and there is a 1040  
presumption for a prison term for the offense. 1041

(d) Except as otherwise provided in this division, if the 1042  
amount of the drug involved equals or exceeds fifty unit doses 1043  
but is less than one hundred unit doses or equals or exceeds 1044  
five grams but is less than ten grams, trafficking in a 1045  
fentanyl-related compound is a felony of the third degree, and 1046  
there is a presumption for a prison term for the offense. If the 1047  
amount of the drug involved is within that range and if the 1048  
offense was committed in the vicinity of a school, in the 1049  
vicinity of a juvenile, or in the vicinity of a substance 1050  
addiction services provider or a recovering addict, trafficking 1051  
in a fentanyl-related compound is a felony of the second degree, 1052  
and there is a presumption for a prison term for the offense. 1053

(e) Except as otherwise provided in this division, if the 1054  
amount of the drug involved equals or exceeds one hundred unit 1055  
doses but is less than two hundred unit doses or equals or 1056  
exceeds ten grams but is less than twenty grams, trafficking in 1057  
a fentanyl-related compound is a felony of the second degree, 1058  
and the court shall impose as a mandatory prison term one of the 1059  
prison terms prescribed for a felony of the second degree. If 1060  
the amount of the drug involved is within that range and if the 1061  
offense was committed in the vicinity of a school, in the 1062  
vicinity of a juvenile, or in the vicinity of a substance 1063  
addiction services provider or a recovering addict, trafficking 1064  
in a fentanyl-related compound is a felony of the first degree, 1065  
and the court shall impose as a mandatory prison term one of the 1066  
prison terms prescribed for a felony of the first degree. 1067

(f) If the amount of the drug involved equals or exceeds 1068  
two hundred unit doses but is less than five hundred unit doses 1069  
or equals or exceeds twenty grams but is less than fifty grams 1070  
and regardless of whether the offense was committed in the 1071  
vicinity of a school, in the vicinity of a juvenile, or in the 1072  
vicinity of a substance addiction services provider or a 1073  
recovering addict, trafficking in a fentanyl-related compound is 1074  
a felony of the first degree, and the court shall impose as a 1075  
mandatory prison term one of the prison terms prescribed for a 1076  
felony of the first degree. 1077

(g) If the amount of the drug involved equals or exceeds 1078  
five hundred unit doses but is less than one thousand unit doses 1079  
or equals or exceeds fifty grams but is less than one hundred 1080  
grams and regardless of whether the offense was committed in the 1081  
vicinity of a school, in the vicinity of a juvenile, or in the 1082  
vicinity of a substance addiction services provider or a 1083  
recovering addict, trafficking in a fentanyl-related compound is 1084  
a felony of the first degree, and the court shall impose as a 1085  
mandatory prison term the maximum prison term prescribed for a 1086  
felony of the first degree. 1087

(h) If the amount of the drug involved equals or exceeds 1088  
one thousand unit doses or equals or exceeds one hundred grams 1089  
and regardless of whether the offense was committed in the 1090  
vicinity of a school, in the vicinity of a juvenile, or in the 1091  
vicinity of a substance addiction services provider or a 1092  
recovering addict, trafficking in a fentanyl-related compound is 1093  
a felony of the first degree, the offender is a major drug 1094  
offender, and the court shall impose as a mandatory prison term 1095  
the maximum prison term prescribed for a felony of the first 1096  
degree. 1097

(10) If the drug involved in the violation is a compound, 1098  
mixture, preparation, or substance that is a combination of a 1099  
fentanyl-related compound and marihuana, one of the following 1100  
applies: 1101

(a) Except as otherwise provided in division (C) (10) (b) of 1102  
this section, the offender is guilty of trafficking in marihuana 1103  
and shall be punished under division (C) (3) of this section. The 1104  
offender is not guilty of trafficking in a fentanyl-related 1105  
compound and shall not be charged with, convicted of, or 1106  
punished under division (C) (9) of this section for trafficking 1107  
in a fentanyl-related compound. 1108

(b) If the offender knows or has reason to know that the 1109  
compound, mixture, preparation, or substance that is the drug 1110  
involved contains a fentanyl-related compound, the offender is 1111  
guilty of trafficking in a fentanyl-related compound and shall 1112  
be punished under division (C) (9) of this section. 1113

(D) In addition to any prison term authorized or required 1114  
by division (C) of this section and sections 2929.13 and 2929.14 1115  
of the Revised Code, and in addition to any other sanction 1116  
imposed for the offense under this section or sections 2929.11 1117  
to 2929.18 of the Revised Code, ~~the court that sentences an~~ 1118  
~~offender who is convicted of or pleads guilty to a violation of~~ 1119  
~~division (A) of this section may suspend the driver's or~~ 1120  
~~commercial driver's license or permit of the offender in~~ 1121  
~~accordance with division (G) of this section. However, if the~~ 1122  
~~offender pleaded guilty to or was convicted of a violation of~~ 1123  
~~section 4511.19 of the Revised Code or a substantially similar~~ 1124  
~~municipal ordinance or the law of another state or the United~~ 1125  
~~States arising out of the same set of circumstances as the~~ 1126  
~~violation, the court shall suspend the offender's driver's or~~ 1127

~~commercial driver's license or permit in accordance with~~ 1128  
~~division (G) of this section. If if applicable, the court also~~ 1129  
shall do the following: 1130

(1) If the violation of division (A) of this section is a 1131  
felony of the first, second, or third degree, the court shall 1132  
impose upon the offender the mandatory fine specified for the 1133  
offense under division (B) (1) of section 2929.18 of the Revised 1134  
Code unless, as specified in that division, the court determines 1135  
that the offender is indigent. Except as otherwise provided in 1136  
division (H) (1) of this section, a mandatory fine or any other 1137  
fine imposed for a violation of this section is subject to 1138  
division (F) of this section. If a person is charged with a 1139  
violation of this section that is a felony of the first, second, 1140  
or third degree, posts bail, and forfeits the bail, the clerk of 1141  
the court shall pay the forfeited bail pursuant to divisions (D) 1142  
(1) and (F) of this section, as if the forfeited bail was a fine 1143  
imposed for a violation of this section. If any amount of the 1144  
forfeited bail remains after that payment and if a fine is 1145  
imposed under division (H) (1) of this section, the clerk of the 1146  
court shall pay the remaining amount of the forfeited bail 1147  
pursuant to divisions (H) (2) and (3) of this section, as if that 1148  
remaining amount was a fine imposed under division (H) (1) of 1149  
this section. 1150

(2) If the offender is a professionally licensed person, 1151  
the court immediately shall comply with section 2925.38 of the 1152  
Revised Code. 1153

(3) If the offender has a driver's or commercial driver's 1154  
license or permit, section 2929.33 of the Revised Code applies. 1155

(E) When a person is charged with the sale of or offer to 1156  
sell a bulk amount or a multiple of a bulk amount of a 1157

controlled substance, the jury, or the court trying the accused, 1158  
shall determine the amount of the controlled substance involved 1159  
at the time of the offense and, if a guilty verdict is returned, 1160  
shall return the findings as part of the verdict. In any such 1161  
case, it is unnecessary to find and return the exact amount of 1162  
the controlled substance involved, and it is sufficient if the 1163  
finding and return is to the effect that the amount of the 1164  
controlled substance involved is the requisite amount, or that 1165  
the amount of the controlled substance involved is less than the 1166  
requisite amount. 1167

(F) (1) Notwithstanding any contrary provision of section 1168  
3719.21 of the Revised Code and except as provided in division 1169  
(H) of this section, the clerk of the court shall pay any 1170  
mandatory fine imposed pursuant to division (D) (1) of this 1171  
section and any fine other than a mandatory fine that is imposed 1172  
for a violation of this section pursuant to division (A) or (B) 1173  
(5) of section 2929.18 of the Revised Code to the county, 1174  
township, municipal corporation, park district, as created 1175  
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1176  
state law enforcement agencies in this state that primarily were 1177  
responsible for or involved in making the arrest of, and in 1178  
prosecuting, the offender. However, the clerk shall not pay a 1179  
mandatory fine so imposed to a law enforcement agency unless the 1180  
agency has adopted a written internal control policy under 1181  
division (F) (2) of this section that addresses the use of the 1182  
fine moneys that it receives. Each agency shall use the 1183  
mandatory fines so paid to subsidize the agency's law 1184  
enforcement efforts that pertain to drug offenses, in accordance 1185  
with the written internal control policy adopted by the 1186  
recipient agency under division (F) (2) of this section. 1187

(2) Prior to receiving any fine moneys under division (F) 1188



(1) of this section or division (B) of section 2925.42 of the Revised Code, a law enforcement agency shall adopt a written internal control policy that addresses the agency's use and disposition of all fine moneys so received and that provides for the keeping of detailed financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure. The policy shall not provide for or permit the identification of any specific expenditure that is made in an ongoing investigation. All financial records of the receipts of those fine moneys, the general types of expenditures made out of those fine moneys, and the specific amount of each general type of expenditure by an agency are public records open for inspection under section 149.43 of the Revised Code. Additionally, a written internal control policy adopted under this division is such a public record, and the agency that adopted it shall comply with it.

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

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

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

~~(G) (1) If the sentencing court suspends the offender's driver's or commercial driver's license or permit under division (D) of this section or any other provision of this chapter, the court shall suspend the license, by order, for not more than five years. If an offender's driver's or commercial driver's license or permit is suspended pursuant to this division, the offender, at any time after the expiration of two years from the~~

~~day on which the offender's sentence was imposed or from the day~~ 1219  
~~on which the offender finally was released from a prison term~~ 1220  
~~under the sentence, whichever is later, may file a motion with~~ 1221  
~~the sentencing court requesting termination of the suspension;~~ 1222  
~~upon the filing of such a motion and the court's finding of good~~ 1223  
~~cause for the termination, the court may terminate the~~ 1224  
~~suspension.~~ 1225

~~(2)~~ (G) Any offender who received a mandatory suspension 1226  
of the offender's driver's or commercial driver's license or 1227  
permit under this section prior to September 13, 2016, may file 1228  
a motion with the sentencing court requesting the termination of 1229  
the suspension. However, an offender who pleaded guilty to or 1230  
was convicted of a violation of section 4511.19 of the Revised 1231  
Code or a substantially similar municipal ordinance or law of 1232  
another state or the United States that arose out of the same 1233  
set of circumstances as the violation for which the offender's 1234  
license or permit was suspended under this section shall not 1235  
file such a motion. 1236

Upon the filing of a motion under division ~~(G) (2)~~ (G) of 1237  
this section, the sentencing court, in its discretion, may 1238  
terminate the suspension. 1239

(H) (1) In addition to any prison term authorized or 1240  
required by division (C) of this section and sections 2929.13 1241  
and 2929.14 of the Revised Code, in addition to any other 1242  
penalty or sanction imposed for the offense under this section 1243  
or sections 2929.11 to 2929.18 of the Revised Code, and in 1244  
addition to the forfeiture of property in connection with the 1245  
offense as prescribed in Chapter 2981. of the Revised Code, the 1246  
court that sentences an offender who is convicted of or pleads 1247  
guilty to a violation of division (A) of this section may impose 1248

upon the offender an additional fine specified for the offense 1249  
in division (B) (4) of section 2929.18 of the Revised Code. A 1250  
fine imposed under division (H) (1) of this section is not 1251  
subject to division (F) of this section and shall be used solely 1252  
for the support of one or more eligible community addiction 1253  
services providers in accordance with divisions (H) (2) and (3) 1254  
of this section. 1255

(2) The court that imposes a fine under division (H) (1) of 1256  
this section shall specify in the judgment that imposes the fine 1257  
one or more eligible community addiction services providers for 1258  
the support of which the fine money is to be used. No community 1259  
addiction services provider shall receive or use money paid or 1260  
collected in satisfaction of a fine imposed under division (H) 1261  
(1) of this section unless the services provider is specified in 1262  
the judgment that imposes the fine. No community addiction 1263  
services provider shall be specified in the judgment unless the 1264  
services provider is an eligible community addiction services 1265  
provider and, except as otherwise provided in division (H) (2) of 1266  
this section, unless the services provider is located in the 1267  
county in which the court that imposes the fine is located or in 1268  
a county that is immediately contiguous to the county in which 1269  
that court is located. If no eligible community addiction 1270  
services provider is located in any of those counties, the 1271  
judgment may specify an eligible community addiction services 1272  
provider that is located anywhere within this state. 1273

(3) Notwithstanding any contrary provision of section 1274  
3719.21 of the Revised Code, the clerk of the court shall pay 1275  
any fine imposed under division (H) (1) of this section to the 1276  
eligible community addiction services provider specified 1277  
pursuant to division (H) (2) of this section in the judgment. The 1278  
eligible community addiction services provider that receives the 1279

fine moneys shall use the moneys only for the alcohol and drug 1280  
addiction services identified in the application for 1281  
certification of services under section 5119.36 of the Revised 1282  
Code or in the application for a license under section 5119.37 1283  
of the Revised Code filed with the department of mental health 1284  
and addiction services by the community addiction services 1285  
provider specified in the judgment. 1286

(4) Each community addiction services provider that 1287  
receives in a calendar year any fine moneys under division (H) 1288  
(3) of this section shall file an annual report covering that 1289  
calendar year with the court of common pleas and the board of 1290  
county commissioners of the county in which the services 1291  
provider is located, with the court of common pleas and the 1292  
board of county commissioners of each county from which the 1293  
services provider received the moneys if that county is 1294  
different from the county in which the services provider is 1295  
located, and with the attorney general. The community addiction 1296  
services provider shall file the report no later than the first 1297  
day of March in the calendar year following the calendar year in 1298  
which the services provider received the fine moneys. The report 1299  
shall include statistics on the number of persons served by the 1300  
community addiction services provider, identify the types of 1301  
alcohol and drug addiction services provided to those persons, 1302  
and include a specific accounting of the purposes for which the 1303  
fine moneys received were used. No information contained in the 1304  
report shall identify, or enable a person to determine the 1305  
identity of, any person served by the community addiction 1306  
services provider. Each report received by a court of common 1307  
pleas, a board of county commissioners, or the attorney general 1308  
is a public record open for inspection under section 149.43 of 1309  
the Revised Code. 1310

(5) As used in divisions (H) (1) to (5) of this section:	1311
(a) "Community addiction services provider" and "alcohol and drug addiction services" have the same meanings as in section 5119.01 of the Revised Code.	1312 1313 1314
(b) "Eligible community addiction services provider" means a community addiction services provider, including a community addiction services provider that operates an opioid treatment program licensed under section 5119.37 of the Revised Code.	1315 1316 1317 1318
(I) As used in this section, "drug" includes any substance that is represented to be a drug.	1319 1320
(J) It is an affirmative defense to a charge of trafficking in a controlled substance analog under division (C) (8) of this section that the person charged with violating that offense sold or offered to sell, or prepared for shipment, shipped, transported, delivered, prepared for distribution, or distributed one of the following items that are excluded from the meaning of "controlled substance analog" under section 3719.01 of the Revised Code:	1321 1322 1323 1324 1325 1326 1327 1328
(1) A controlled substance;	1329
(2) Any substance for which there is an approved new drug application;	1330 1331
(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.	1332 1333 1334 1335
<b>Sec. 2925.04.</b> (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.	1336 1337 1338

(B) This section does not apply to any person listed in 1339  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1340  
Code to the extent and under the circumstances described in 1341  
those divisions. 1342

(C) (1) Whoever commits a violation of division (A) of this 1343  
section that involves any drug other than marihuana is guilty of 1344  
illegal manufacture of drugs, and whoever commits a violation of 1345  
division (A) of this section that involves marihuana is guilty 1346  
of illegal cultivation of marihuana. 1347

(2) Except as otherwise provided in this division, if the 1348  
drug involved in the violation of division (A) of this section 1349  
is any compound, mixture, preparation, or substance included in 1350  
schedule I or II, with the exception of methamphetamine or 1351  
marihuana, illegal manufacture of drugs is a felony of the 1352  
second degree, and, subject to division (E) of this section, the 1353  
court shall impose as a mandatory prison term a second degree 1354  
felony mandatory prison term. 1355

If the drug involved in the violation is any compound, 1356  
mixture, preparation, or substance included in schedule I or II, 1357  
with the exception of methamphetamine or marihuana, and if the 1358  
offense was committed in the vicinity of a juvenile or in the 1359  
vicinity of a school, illegal manufacture of drugs is a felony 1360  
of the first degree, and, subject to division (E) of this 1361  
section, the court shall impose as a mandatory prison term a 1362  
first degree felony mandatory prison term. 1363

(3) If the drug involved in the violation of division (A) 1364  
of this section is methamphetamine, the penalty for the 1365  
violation shall be determined as follows: 1366

(a) Except as otherwise provided in division (C) (3) (b) of 1367

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

(b) If the drug involved in the violation is 1382  
methamphetamine and if the offense was committed in the vicinity 1383  
of a juvenile, in the vicinity of a school, or on public 1384  
premises, illegal manufacture of drugs is a felony of the first 1385  
degree, and, subject to division (E) of this section, the court 1386  
shall impose a mandatory prison term on the offender determined 1387  
in accordance with this division. Except as otherwise provided 1388  
in this division, the court shall impose as a mandatory prison 1389  
term a first degree felony mandatory prison term that is not 1390  
less than four years. If the offender previously has been 1391  
convicted of or pleaded guilty to a violation of division (A) of 1392  
this section, a violation of division (B) (6) of section 2919.22 1393  
of the Revised Code, or a violation of division (A) of section 1394  
2925.041 of the Revised Code, the court shall impose as a 1395  
mandatory prison term a first degree felony mandatory prison 1396  
term that is not less than five years. 1397

(4) If the drug involved in the violation of division (A) 1398

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

(5) If the drug involved in the violation is marihuana, 1405  
the penalty for the offense shall be determined as follows: 1406

(a) Except as otherwise provided in division (C) (5) (b), 1407  
(c), (d), (e), or (f) of this section, illegal cultivation of 1408  
marihuana is a minor misdemeanor or, if the offense was 1409  
committed in the vicinity of a school or in the vicinity of a 1410  
juvenile, a misdemeanor of the fourth degree. 1411

(b) If the amount of marihuana involved equals or exceeds 1412  
one hundred grams but is less than two hundred grams, illegal 1413  
cultivation of marihuana is a misdemeanor of the fourth degree 1414  
or, if the offense was committed in the vicinity of a school or 1415  
in the vicinity of a juvenile, a misdemeanor of the third 1416  
degree. 1417

(c) If the amount of marihuana involved equals or exceeds 1418  
two hundred grams but is less than one thousand grams, illegal 1419  
cultivation of marihuana is a felony of the fifth degree or, if 1420  
the offense was committed in the vicinity of a school or in the 1421  
vicinity of a juvenile, a felony of the fourth degree, and 1422  
division (B) of section 2929.13 of the Revised Code applies in 1423  
determining whether to impose a prison term on the offender. 1424

(d) If the amount of marihuana involved equals or exceeds 1425  
one thousand grams but is less than five thousand grams, illegal 1426  
cultivation of marihuana is a felony of the third degree or, if 1427



the offense was committed in the vicinity of a school or in the 1428  
vicinity of a juvenile, a felony of the second degree, and 1429  
division (C) of section 2929.13 of the Revised Code applies in 1430  
determining whether to impose a prison term on the offender. 1431

(e) If the amount of marihuana involved equals or exceeds 1432  
five thousand grams but is less than twenty thousand grams, 1433  
illegal cultivation of marihuana is a felony of the third degree 1434  
or, if the offense was committed in the vicinity of a school or 1435  
in the vicinity of a juvenile, a felony of the second degree, 1436  
and there is a presumption for a prison term for the offense. 1437

(f) Except as otherwise provided in this division, if the 1438  
amount of marihuana involved equals or exceeds twenty thousand 1439  
grams, illegal cultivation of marihuana is a felony of the 1440  
second degree, and the court shall impose as a mandatory prison 1441  
term a maximum second degree felony mandatory prison term. If 1442  
the amount of the drug involved equals or exceeds twenty 1443  
thousand grams and if the offense was committed in the vicinity 1444  
of a school or in the vicinity of a juvenile, illegal 1445  
cultivation of marihuana is a felony of the first degree, and 1446  
the court shall impose as a mandatory prison term a maximum 1447  
first degree felony mandatory prison term. 1448

(D) In addition to any prison term authorized or required 1449  
by division (C) or (E) of this section and sections 2929.13 and 1450  
2929.14 of the Revised Code and in addition to any other 1451  
sanction imposed for the offense under this section or sections 1452  
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 1453  
~~an offender who is convicted of or pleads guilty to a violation~~ 1454  
~~of division (A) of this section may suspend the offender's~~ 1455  
~~driver's or commercial driver's license or permit in accordance~~ 1456  
~~with division (G) of section 2925.03 of the Revised Code.~~ 1457

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

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

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

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

(E) Notwithstanding the prison term otherwise authorized

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

(F) It is an affirmative defense, as provided in section 1500  
2901.05 of the Revised Code, to a charge under this section for 1501  
a fifth degree felony violation of illegal cultivation of 1502  
marihuana that the marihuana that gave rise to the charge is in 1503  
an amount, is in a form, is prepared, compounded, or mixed with 1504  
substances that are not controlled substances in a manner, or is 1505  
possessed or cultivated under any other circumstances that 1506  
indicate that the marihuana was solely for personal use. 1507

Notwithstanding any contrary provision of division (F) of 1508  
this section, if, in accordance with section 2901.05 of the 1509  
Revised Code, a person who is charged with a violation of 1510  
illegal cultivation of marihuana that is a felony of the fifth 1511  
degree sustains the burden of going forward with evidence of and 1512  
establishes by a preponderance of the evidence the affirmative 1513  
defense described in this division, the person may be prosecuted 1514  
for and may be convicted of or plead guilty to a misdemeanor 1515  
violation of illegal cultivation of marihuana. 1516

(G) Arrest or conviction for a minor misdemeanor violation 1517

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

~~(H) (1) If the sentencing court suspends the offender's 1524  
driver's or commercial driver's license or permit under this 1525  
section in accordance with division (G) of section 2925.03 of 1526  
the Revised Code, the offender may request termination of, and 1527  
the court may terminate, the suspension of the offender in 1528  
accordance with that division. 1529~~

~~(2)~~ (H) Any offender who received a mandatory suspension 1530  
of the offender's driver's or commercial driver's license or 1531  
permit under this section prior to September 13, 2016, may file 1532  
a motion with the sentencing court requesting the termination of 1533  
the suspension. However, an offender who pleaded guilty to or 1534  
was convicted of a violation of section 4511.19 of the Revised 1535  
Code or a substantially similar municipal ordinance or law of 1536  
another state or the United States that arose out of the same 1537  
set of circumstances as the violation for which the offender's 1538  
license or permit was suspended under this section shall not 1539  
file such a motion. 1540

Upon the filing of a motion under division ~~(H) (2)~~ (H) of 1541  
this section, the sentencing court, in its discretion, may 1542  
terminate the suspension. 1543

**Sec. 2925.041.** (A) No person shall knowingly assemble or 1544  
possess one or more chemicals that may be used to manufacture a 1545  
controlled substance in schedule I or II with the intent to 1546  
manufacture a controlled substance in schedule I or II in 1547

violation of section 2925.04 of the Revised Code. 1548

(B) In a prosecution under this section, it is not 1549  
necessary to allege or prove that the offender assembled or 1550  
possessed all chemicals necessary to manufacture a controlled 1551  
substance in schedule I or II. The assembly or possession of a 1552  
single chemical that may be used in the manufacture of a 1553  
controlled substance in schedule I or II, with the intent to 1554  
manufacture a controlled substance in either schedule, is 1555  
sufficient to violate this section. 1556

(C) Whoever violates this section is guilty of illegal 1557  
assembly or possession of chemicals for the manufacture of 1558  
drugs. Except as otherwise provided in this division, illegal 1559  
assembly or possession of chemicals for the manufacture of drugs 1560  
is a felony of the third degree, and, except as otherwise 1561  
provided in division (C)(1) or (2) of this section, division (C) 1562  
of section 2929.13 of the Revised Code applies in determining 1563  
whether to impose a prison term on the offender. If the offense 1564  
was committed in the vicinity of a juvenile or in the vicinity 1565  
of a school, illegal assembly or possession of chemicals for the 1566  
manufacture of drugs is a felony of the second degree, and, 1567  
except as otherwise provided in division (C)(1) or (2) of this 1568  
section, division (C) of section 2929.13 of the Revised Code 1569  
applies in determining whether to impose a prison term on the 1570  
offender. If the violation of division (A) of this section is a 1571  
felony of the third degree under this division and if the 1572  
chemical or chemicals assembled or possessed in violation of 1573  
division (A) of this section may be used to manufacture 1574  
methamphetamine, there either is a presumption for a prison term 1575  
for the offense or the court shall impose a mandatory prison 1576  
term on the offender, determined as follows: 1577

(1) Except as otherwise provided in this division, there 1578  
is a presumption for a prison term for the offense. If the 1579  
offender two or more times previously has been convicted of or 1580  
pleaded guilty to a felony drug abuse offense, except as 1581  
otherwise provided in this division, the court shall impose as a 1582  
mandatory prison term one of the prison terms prescribed for a 1583  
felony of the third degree that is not less than two years. If 1584  
the offender two or more times previously has been convicted of 1585  
or pleaded guilty to a felony drug abuse offense and if at least 1586  
one of those previous convictions or guilty pleas was to a 1587  
violation of division (A) of this section, a violation of 1588  
division (B) (6) of section 2919.22 of the Revised Code, or a 1589  
violation of division (A) of section 2925.04 of the Revised 1590  
Code, the court shall impose as a mandatory prison term one of 1591  
the prison terms prescribed for a felony of the third degree 1592  
that is not less than five years. 1593

(2) If the violation of division (A) of this section is a 1594  
felony of the second degree under division (C) of this section 1595  
and the chemical or chemicals assembled or possessed in 1596  
committing the violation may be used to manufacture 1597  
methamphetamine, the court shall impose as a mandatory prison 1598  
term a second degree felony mandatory prison term that is not 1599  
less than three years. If the violation of division (A) of this 1600  
section is a felony of the second degree under division (C) of 1601  
this section, if the chemical or chemicals assembled or 1602  
possessed in committing the violation may be used to manufacture 1603  
methamphetamine, and if the offender previously has been 1604  
convicted of or pleaded guilty to a violation of division (A) of 1605  
this section, a violation of division (B) (6) of section 2919.22 1606  
of the Revised Code, or a violation of division (A) of section 1607  
2925.04 of the Revised Code, the court shall impose as a 1608

mandatory prison term a second degree felony mandatory prison 1609  
term that is not less than five years. 1610

(D) In addition to any prison term authorized by division 1611  
(C) of this section and sections 2929.13 and 2929.14 of the 1612  
Revised Code and in addition to any other sanction imposed for 1613  
the offense under this section or sections 2929.11 to 2929.18 of 1614  
the Revised Code, ~~the court that sentences an offender who is~~ 1615  
~~convicted of or pleads guilty to a violation of this section may~~ 1616  
~~suspend the offender's driver's or commercial driver's license~~ 1617  
~~or permit in accordance with division (G) of section 2925.03 of~~ 1618  
~~the Revised Code. However, if the offender pleaded guilty to or~~ 1619  
~~was convicted of a violation of section 4511.19 of the Revised~~ 1620  
~~Code or a substantially similar municipal ordinance or the law~~ 1621  
~~of another state or the United States arising out of the same~~ 1622  
~~set of circumstances as the violation, the court shall suspend~~ 1623  
~~the offender's driver's or commercial driver's license or permit~~ 1624  
~~in accordance with division (G) of section 2925.03 of the~~ 1625  
Revised Code. ~~If~~ if applicable, the court also shall do the 1626  
following: 1627

(1) The court shall impose upon the offender the mandatory 1628  
fine specified for the offense under division (B) (1) of section 1629  
2929.18 of the Revised Code unless, as specified in that 1630  
division, the court determines that the offender is indigent. 1631  
The clerk of the court shall pay a mandatory fine or other fine 1632  
imposed for a violation of this section under division (A) of 1633  
section 2929.18 of the Revised Code in accordance with and 1634  
subject to the requirements of division (F) of section 2925.03 1635  
of the Revised Code. The agency that receives the fine shall use 1636  
the fine as specified in division (F) of section 2925.03 of the 1637  
Revised Code. If a person charged with a violation of this 1638  
section posts bail and forfeits the bail, the clerk shall pay 1639

the forfeited bail as if the forfeited bail were a fine imposed 1640  
for a violation of this section. 1641

(2) If the offender is a professionally licensed person or 1642  
a person who has been admitted to the bar by order of the 1643  
supreme court in compliance with its prescribed and published 1644  
rules, the court shall comply with section 2925.38 of the 1645  
Revised Code. 1646

(3) If the offender has a driver's or commercial driver's 1647  
license or permit, section 2929.33 of the Revised Code applies. 1648

~~(E) (1) If the sentencing court suspends the offender's~~ 1649  
~~driver's or commercial driver's license or permit under this~~ 1650  
~~section in accordance with division (G) of section 2925.03 of~~ 1651  
~~the Revised Code, the offender may request termination of, and~~ 1652  
~~the court may terminate, the suspension of the offender in~~ 1653  
~~accordance with that division.~~ 1654

~~(2)~~ (E) Any offender who received a mandatory suspension 1655  
of the offender's driver's or commercial driver's license or 1656  
permit under this section prior to September 13, 2016, may file 1657  
a motion with the sentencing court requesting the termination of 1658  
the suspension. However, an offender who pleaded guilty to or 1659  
was convicted of a violation of section 4511.19 of the Revised 1660  
Code or a substantially similar municipal ordinance or law of 1661  
another state or the United States that arose out of the same 1662  
set of circumstances as the violation for which the offender's 1663  
license or permit was suspended under this section shall not 1664  
file such a motion. 1665

Upon the filing of a motion under division ~~(E) (2)~~ (E) of 1666  
this section, the sentencing court, in its discretion, may 1667  
terminate the suspension. 1668



**Sec. 2925.05.** (A) No person shall knowingly provide money 1669  
or other items of value to another person with the purpose that 1670  
the recipient of the money or items of value use them to obtain 1671  
any controlled substance for the purpose of violating section 1672  
2925.04 of the Revised Code or for the purpose of selling or 1673  
offering to sell the controlled substance in the following 1674  
amount: 1675

(1) If the drug to be sold or offered for sale is any 1676  
compound, mixture, preparation, or substance included in 1677  
schedule I or II, with the exception of marihuana, cocaine, 1678  
L.S.D., heroin, any fentanyl-related compound, and hashish, or 1679  
schedule III, IV, or V, an amount of the drug that equals or 1680  
exceeds the bulk amount of the drug; 1681

(2) If the drug to be sold or offered for sale is 1682  
marihuana or a compound, mixture, preparation, or substance 1683  
other than hashish containing marihuana, an amount of the 1684  
marihuana that equals or exceeds two hundred grams; 1685

(3) If the drug to be sold or offered for sale is cocaine 1686  
or a compound, mixture, preparation, or substance containing 1687  
cocaine, an amount of the cocaine that equals or exceeds five 1688  
grams; 1689

(4) If the drug to be sold or offered for sale is L.S.D. 1690  
or a compound, mixture, preparation, or substance containing 1691  
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 1692  
doses if the L.S.D. is in a solid form or equals or exceeds one 1693  
gram if the L.S.D. is in a liquid concentrate, liquid extract, 1694  
or liquid distillate form; 1695

(5) If the drug to be sold or offered for sale is heroin 1696  
or a fentanyl-related compound, or a compound, mixture, 1697

preparation, or substance containing heroin or a fentanyl- 1698  
related compound, an amount that equals or exceeds ten unit 1699  
doses or equals or exceeds one gram; 1700

(6) If the drug to be sold or offered for sale is hashish 1701  
or a compound, mixture, preparation, or substance containing 1702  
hashish, an amount of the hashish that equals or exceeds ten 1703  
grams if the hashish is in a solid form or equals or exceeds two 1704  
grams if the hashish is in a liquid concentrate, liquid extract, 1705  
or liquid distillate form. 1706

(B) This section does not apply to any person listed in 1707  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1708  
Code to the extent and under the circumstances described in 1709  
those divisions. 1710

(C) (1) If the drug involved in the violation is any 1711  
compound, mixture, preparation, or substance included in 1712  
schedule I or II, with the exception of marihuana, whoever 1713  
violates division (A) of this section is guilty of aggravated 1714  
funding of drug trafficking, a felony of the first degree, and, 1715  
subject to division (E) of this section, the court shall impose 1716  
as a mandatory prison term a first degree felony mandatory 1717  
prison term. 1718

(2) If the drug involved in the violation is any compound, 1719  
mixture, preparation, or substance included in schedule III, IV, 1720  
or V, whoever violates division (A) of this section is guilty of 1721  
funding of drug trafficking, a felony of the second degree, and 1722  
the court shall impose as a mandatory prison term a second 1723  
degree felony mandatory prison term. 1724

(3) If the drug involved in the violation is marihuana, 1725  
whoever violates division (A) of this section is guilty of 1726

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

(D) In addition to any prison term authorized or required 1735  
by division (C) or (E) of this section and sections 2929.13 and 1736  
2929.14 of the Revised Code and in addition to any other 1737  
sanction imposed for the offense under this section or sections 1738  
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 1739  
~~an offender who is convicted of or pleads guilty to a violation~~ 1740  
~~of division (A) of this section may suspend the offender's~~ 1741  
~~driver's or commercial driver's license or permit in accordance~~ 1742  
~~with division (G) of section 2925.03 of the Revised Code.~~ 1743  
~~However, if the offender pleaded guilty to or was convicted of a~~ 1744  
~~violation of section 4511.19 of the Revised Code or a~~ 1745  
~~substantially similar municipal ordinance or the law of another~~ 1746  
~~state or the United States arising out of the same set of~~ 1747  
~~circumstances as the violation, the court shall suspend the~~ 1748  
~~offender's driver's or commercial driver's license or permit in~~ 1749  
~~accordance with division (G) of section 2925.03 of the Revised~~ 1750  
~~Code. If if applicable, the court also shall do the following:~~ 1751

(1) The court shall impose the mandatory fine specified 1752  
for the offense under division (B) (1) of section 2929.18 of the 1753  
Revised Code unless, as specified in that division, the court 1754  
determines that the offender is indigent. The clerk of the court 1755  
shall pay a mandatory fine or other fine imposed for a violation 1756  
of this section pursuant to division (A) of section 2929.18 of 1757

the Revised Code in accordance with and subject to the 1758  
requirements of division (F) of section 2925.03 of the Revised 1759  
Code. The agency that receives the fine shall use the fine in 1760  
accordance with division (F) of section 2925.03 of the Revised 1761  
Code. If a person is charged with a violation of this section, 1762  
posts bail, and forfeits the bail, the forfeited bail shall be 1763  
paid as if the forfeited bail were a fine imposed for a 1764  
violation of this section. 1765

(2) If the offender is a professionally licensed person, 1766  
the court immediately shall comply with section 2925.38 of the 1767  
Revised Code. 1768

(3) If the offender has a driver's or commercial driver's 1769  
license or permit, section 2929.33 of the Revised Code applies. 1770

(E) Notwithstanding the prison term otherwise authorized 1771  
or required for the offense under division (C) of this section 1772  
and sections 2929.13 and 2929.14 of the Revised Code, if the 1773  
violation of division (A) of this section involves the sale, 1774  
offer to sell, or possession of a schedule I or II controlled 1775  
substance, with the exception of marihuana, one of the following 1776  
applies: 1777

(1) If the drug involved in the violation is a fentanyl- 1778  
related compound, the offense is a felony of the first degree, 1779  
the offender is a major drug offender, and the court shall 1780  
impose as a mandatory prison term the maximum prison term 1781  
prescribed for a felony of the first degree. 1782

(2) If division (E) (1) of this section does not apply and 1783  
the court imposing sentence upon the offender finds that the 1784  
offender as a result of the violation is a major drug offender 1785  
and is guilty of a specification of the type described in 1786

division (A) of section 2941.1410 of the Revised Code, the 1787  
court, in lieu of the prison term otherwise authorized or 1788  
required, shall impose upon the offender the mandatory prison 1789  
term specified in division (B) (3) of section 2929.14 of the 1790  
Revised Code. 1791

~~(F) (1) If the sentencing court suspends the offender's 1792  
driver's or commercial driver's license or permit under this 1793  
section in accordance with division (G) of section 2925.03 of 1794  
the Revised Code, the offender may request termination of, and 1795  
the court may terminate, the suspension in accordance with that 1796  
division. 1797~~

~~(2)~~ (F) Any offender who received a mandatory suspension 1798  
of the offender's driver's or commercial driver's license or 1799  
permit under this section prior to September 13, 2016, may file 1800  
a motion with the sentencing court requesting the termination of 1801  
the suspension. However, an offender who pleaded guilty to or 1802  
was convicted of a violation of section 4511.19 of the Revised 1803  
Code or a substantially similar municipal ordinance or law of 1804  
another state or the United States that arose out of the same 1805  
set of circumstances as the violation for which the offender's 1806  
license or permit was suspended under this section shall not 1807  
file such a motion. 1808

Upon the filing of a motion under division ~~(F) (2)~~ (F) of 1809  
this section, the sentencing court, in its discretion, may 1810  
terminate the suspension. 1811

**Sec. 2925.06.** (A) No person shall knowingly administer to 1812  
a human being, or prescribe or dispense for administration to a 1813  
human being, any anabolic steroid not approved by the United 1814  
States food and drug administration for administration to human 1815  
beings. 1816

(B) This section does not apply to any person listed in 1817  
division (B) (1), (2), or (3) of section 2925.03 of the Revised 1818  
Code to the extent and under the circumstances described in 1819  
those divisions. 1820

(C) Whoever violates division (A) of this section is 1821  
guilty of illegal administration or distribution of anabolic 1822  
steroids, a felony of the fourth degree, and division (C) of 1823  
section 2929.13 of the Revised Code applies in determining 1824  
whether to impose a prison term on the offender. 1825

(D) (1) In addition to any prison term authorized or 1826  
required by division (C) of this section and sections 2929.13 1827  
and 2929.14 of the Revised Code and in addition to any other 1828  
sanction imposed for the offense under this section or sections 1829  
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 1830  
~~an offender who is convicted of or pleads guilty to a violation~~ 1831  
~~of division (A) of this section may suspend the offender's~~ 1832  
~~driver's or commercial driver's license or permit in accordance~~ 1833  
~~with division (G) of section 2925.03 of the Revised Code.~~ 1834  
~~However, if the offender pleaded guilty to or was convicted of a~~ 1835  
~~violation of section 4511.19 of the Revised Code or a~~ 1836  
~~substantially similar municipal ordinance or the law of another~~ 1837  
~~state or the United States arising out of the same set of~~ 1838  
~~circumstances as the violation, the court shall suspend the~~ 1839  
~~offender's driver's or commercial driver's license or permit in~~ 1840  
~~accordance with division (G) of section 2925.03 of the Revised~~ 1841  
~~Code. If an offender's driver's or commercial driver's license~~ 1842  
~~or permit is suspended in accordance with that division, the~~ 1843  
~~offender may request termination of, and the court may~~ 1844  
~~terminate, the suspension in accordance with that division.~~ 1845

~~If~~ if the offender is a professionally licensed person, 1846

the court immediately shall comply with section 2925.38 of the Revised Code. 1847  
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If the offender has a driver's or commercial driver's license or permit, section 2929.33 of the Revised Code applies. 1849  
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(2) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to ~~the effective date of this amendment~~ September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion. 1851  
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Upon the filing of a motion under division (D)(2) of this section, the sentencing court, in its discretion, may terminate the suspension. 1862  
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(E) If a person commits any act that constitutes a violation of division (A) of this section and that also constitutes a violation of any other provision of the Revised Code, the prosecutor, as defined in section 2935.01 of the Revised Code, using customary prosecutorial discretion, may prosecute the person for a violation of the appropriate provision of the Revised Code. 1865  
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**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, or use a controlled substance or a controlled substance analog. 1872  
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(B) (1) This section does not apply to any of the 1875

following:	1876
(a) Manufacturers, licensed health professionals	1877
authorized to prescribe drugs, pharmacists, owners of	1878
pharmacies, and other persons whose conduct was in accordance	1879
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and	1880
4741. of the Revised Code;	1881
(b) If the offense involves an anabolic steroid, any	1882
person who is conducting or participating in a research project	1883
involving the use of an anabolic steroid if the project has been	1884
approved by the United States food and drug administration;	1885
(c) Any person who sells, offers for sale, prescribes,	1886
dispenses, or administers for livestock or other nonhuman	1887
species an anabolic steroid that is expressly intended for	1888
administration through implants to livestock or other nonhuman	1889
species and approved for that purpose under the "Federal Food,	1890
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301,	1891
as amended, and is sold, offered for sale, prescribed,	1892
dispensed, or administered for that purpose in accordance with	1893
that act;	1894
(d) Any person who obtained the controlled substance	1895
pursuant to a prescription issued by a licensed health	1896
professional authorized to prescribe drugs if the prescription	1897
was issued for a legitimate medical purpose and not altered,	1898
forged, or obtained through deception or commission of a theft	1899
offense.	1900
As used in division (B) (1) (d) of this section, "deception"	1901
and "theft offense" have the same meanings as in section 2913.01	1902
of the Revised Code.	1903
(2) (a) As used in division (B) (2) of this section:	1904



- (i) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code. 1905  
1906
- (ii) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 1907  
1908
- (iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. 1909  
1910
- (iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. 1911  
1912  
1913
- (v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. 1914  
1915
- (vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. 1916  
1917
- (vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. 1918  
1919
- (viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. 1920  
1921  
1922  
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1926
- (ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. 1927  
1928  
1929  
1930
- (b) Subject to division (B) (2) (e) of this section, a qualified individual shall not be arrested, charged, prosecuted, 1931  
1932

convicted, or penalized pursuant to this chapter for a minor 1933  
drug possession offense or a violation of section 2925.12, 1934  
division (C) (1) of section 2925.14, or section 2925.141 of the 1935  
Revised Code if all of the following apply: 1936

(i) The evidence of the obtaining, possession, or use of 1937  
the controlled substance or controlled substance analog, drug 1938  
abuse instruments, or drug paraphernalia that would be the basis 1939  
of the offense was obtained as a result of the qualified 1940  
individual seeking the medical assistance or experiencing an 1941  
overdose and needing medical assistance. 1942

(ii) Subject to division (B) (2) (f) of this section, within 1943  
thirty days after seeking or obtaining the medical assistance, 1944  
the qualified individual seeks and obtains a screening and 1945  
receives a referral for treatment from a community addiction 1946  
services provider or a properly credentialed addiction treatment 1947  
professional. 1948

(iii) Subject to division (B) (2) (f) of this section, the 1949  
qualified individual who obtains a screening and receives a 1950  
referral for treatment under division (B) (2) (b) (ii) of this 1951  
section, upon the request of any prosecuting attorney, submits 1952  
documentation to the prosecuting attorney that verifies that the 1953  
qualified individual satisfied the requirements of that 1954  
division. The documentation shall be limited to the date and 1955  
time of the screening obtained and referral received. 1956

(c) If a person who is serving a community control 1957  
sanction or is under a sanction on post-release control acts 1958  
pursuant to division (B) (2) (b) of this section, then division 1959  
(B) of section 2929.141, division (B) (2) of section 2929.15, 1960  
division (D) (3) of section 2929.25, or division (F) (3) of 1961  
section 2967.28 of the Revised Code applies to the person with 1962

respect to any violation of the sanction or post-release control 1963  
sanction based on a minor drug possession offense, as defined in 1964  
section 2925.11 of the Revised Code, or a violation of section 1965  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 1966  
of the Revised Code. 1967

(d) Nothing in division (B) (2) (b) of this section shall be 1968  
construed to do any of the following: 1969

(i) Limit the admissibility of any evidence in connection 1970  
with the investigation or prosecution of a crime with regards to 1971  
a defendant who does not qualify for the protections of division 1972  
(B) (2) (b) of this section or with regards to any crime other 1973  
than a minor drug possession offense or a violation of section 1974  
2925.12, division (C) (1) of section 2925.14, or section 2925.141 1975  
of the Revised Code committed by a person who qualifies for 1976  
protection pursuant to division (B) (2) (b) of this section; 1977

(ii) Limit any seizure of evidence or contraband otherwise 1978  
permitted by law; 1979

(iii) Limit or abridge the authority of a peace officer to 1980  
detain or take into custody a person in the course of an 1981  
investigation or to effectuate an arrest for any offense except 1982  
as provided in that division; 1983

(iv) Limit, modify, or remove any immunity from liability 1984  
available pursuant to law in effect prior to September 13, 2016, 1985  
to any public agency or to an employee of any public agency. 1986

(e) Division (B) (2) (b) of this section does not apply to 1987  
any person who twice previously has been granted an immunity 1988  
under division (B) (2) (b) of this section. No person shall be 1989  
granted an immunity under division (B) (2) (b) of this section 1990  
more than two times. 1991

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

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

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

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

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

(c) If the amount of the drug involved equals or exceeds five times the bulk amount but is less than fifty times the bulk amount, aggravated possession of drugs is a felony of the second

degree, and the court shall impose as a mandatory prison term a 2021  
second degree felony mandatory prison term. 2022

(d) If the amount of the drug involved equals or exceeds 2023  
fifty times the bulk amount but is less than one hundred times 2024  
the bulk amount, aggravated possession of drugs is a felony of 2025  
the first degree, and the court shall impose as a mandatory 2026  
prison term a first degree felony mandatory prison term. 2027

(e) If the amount of the drug involved equals or exceeds 2028  
one hundred times the bulk amount, aggravated possession of 2029  
drugs is a felony of the first degree, the offender is a major 2030  
drug offender, and the court shall impose as a mandatory prison 2031  
term a maximum first degree felony mandatory prison term. 2032

(2) If the drug involved in the violation is a compound, 2033  
mixture, preparation, or substance included in schedule III, IV, 2034  
or V, whoever violates division (A) of this section is guilty of 2035  
possession of drugs. The penalty for the offense shall be 2036  
determined as follows: 2037

(a) Except as otherwise provided in division (C) (2) (b), 2038  
(c), or (d) of this section, possession of drugs is a 2039  
misdemeanor of the first degree or, if the offender previously 2040  
has been convicted of a drug abuse offense, a felony of the 2041  
fifth degree. 2042

(b) If the amount of the drug involved equals or exceeds 2043  
the bulk amount but is less than five times the bulk amount, 2044  
possession of drugs is a felony of the fourth degree, and 2045  
division (C) of section 2929.13 of the Revised Code applies in 2046  
determining whether to impose a prison term on the offender. 2047

(c) If the amount of the drug involved equals or exceeds 2048  
five times the bulk amount but is less than fifty times the bulk 2049

amount, possession of drugs is a felony of the third degree, and 2050  
there is a presumption for a prison term for the offense. 2051

(d) If the amount of the drug involved equals or exceeds 2052  
fifty times the bulk amount, possession of drugs is a felony of 2053  
the second degree, and the court shall impose upon the offender 2054  
as a mandatory prison term a second degree felony mandatory 2055  
prison term. 2056

(3) If the drug involved in the violation is marihuana or 2057  
a compound, mixture, preparation, or substance containing 2058  
marihuana other than hashish, whoever violates division (A) of 2059  
this section is guilty of possession of marihuana. The penalty 2060  
for the offense shall be determined as follows: 2061

(a) Except as otherwise provided in division (C) (3) (b), 2062  
(c), (d), (e), (f), or (g) of this section, possession of 2063  
marihuana is a minor misdemeanor. 2064

(b) If the amount of the drug involved equals or exceeds 2065  
one hundred grams but is less than two hundred grams, possession 2066  
of marihuana is a misdemeanor of the fourth degree. 2067

(c) If the amount of the drug involved equals or exceeds 2068  
two hundred grams but is less than one thousand grams, 2069  
possession of marihuana is a felony of the fifth degree, and 2070  
division (B) of section 2929.13 of the Revised Code applies in 2071  
determining whether to impose a prison term on the offender. 2072

(d) If the amount of the drug involved equals or exceeds 2073  
one thousand grams but is less than five thousand grams, 2074  
possession of marihuana is a felony of the third degree, and 2075  
division (C) of section 2929.13 of the Revised Code applies in 2076  
determining whether to impose a prison term on the offender. 2077

(e) If the amount of the drug involved equals or exceeds 2078

five thousand grams but is less than twenty thousand grams, 2079  
possession of marihuana is a felony of the third degree, and 2080  
there is a presumption that a prison term shall be imposed for 2081  
the offense. 2082

(f) If the amount of the drug involved equals or exceeds 2083  
twenty thousand grams but is less than forty thousand grams, 2084  
possession of marihuana is a felony of the second degree, and 2085  
the court shall impose as a mandatory prison term a second 2086  
degree felony mandatory prison term of five, six, seven, or 2087  
eight years. 2088

(g) If the amount of the drug involved equals or exceeds 2089  
forty thousand grams, possession of marihuana is a felony of the 2090  
second degree, and the court shall impose as a mandatory prison 2091  
term a maximum second degree felony mandatory prison term. 2092

(4) If the drug involved in the violation is cocaine or a 2093  
compound, mixture, preparation, or substance containing cocaine, 2094  
whoever violates division (A) of this section is guilty of 2095  
possession of cocaine. The penalty for the offense shall be 2096  
determined as follows: 2097

(a) Except as otherwise provided in division (C) (4) (b), 2098  
(c), (d), (e), or (f) of this section, possession of cocaine is 2099  
a felony of the fifth degree, and division (B) of section 2100  
2929.13 of the Revised Code applies in determining whether to 2101  
impose a prison term on the offender. 2102

(b) If the amount of the drug involved equals or exceeds 2103  
five grams but is less than ten grams of cocaine, possession of 2104  
cocaine is a felony of the fourth degree, and division (B) of 2105  
section 2929.13 of the Revised Code applies in determining 2106  
whether to impose a prison term on the offender. 2107

(c) If the amount of the drug involved equals or exceeds 2108  
ten grams but is less than twenty grams of cocaine, possession 2109  
of cocaine is a felony of the third degree, and, except as 2110  
otherwise provided in this division, there is a presumption for 2111  
a prison term for the offense. If possession of cocaine is a 2112  
felony of the third degree under this division and if the 2113  
offender two or more times previously has been convicted of or 2114  
pleaded guilty to a felony drug abuse offense, the court shall 2115  
impose as a mandatory prison term one of the prison terms 2116  
prescribed for a felony of the third degree. 2117

(d) If the amount of the drug involved equals or exceeds 2118  
twenty grams but is less than twenty-seven grams of cocaine, 2119  
possession of cocaine is a felony of the second degree, and the 2120  
court shall impose as a mandatory prison term a second degree 2121  
felony mandatory prison term. 2122

(e) If the amount of the drug involved equals or exceeds 2123  
twenty-seven grams but is less than one hundred grams of 2124  
cocaine, possession of cocaine is a felony of the first degree, 2125  
and the court shall impose as a mandatory prison term a first 2126  
degree felony mandatory prison term. 2127

(f) If the amount of the drug involved equals or exceeds 2128  
one hundred grams of cocaine, possession of cocaine is a felony 2129  
of the first degree, the offender is a major drug offender, and 2130  
the court shall impose as a mandatory prison term a maximum 2131  
first degree felony mandatory prison term. 2132

(5) If the drug involved in the violation is L.S.D., 2133  
whoever violates division (A) of this section is guilty of 2134  
possession of L.S.D. The penalty for the offense shall be 2135  
determined as follows: 2136



(a) Except as otherwise provided in division (C) (5) (b), 2137  
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2138  
felony of the fifth degree, and division (B) of section 2929.13 2139  
of the Revised Code applies in determining whether to impose a 2140  
prison term on the offender. 2141

(b) If the amount of L.S.D. involved equals or exceeds ten 2142  
unit doses but is less than fifty unit doses of L.S.D. in a 2143  
solid form or equals or exceeds one gram but is less than five 2144  
grams of L.S.D. in a liquid concentrate, liquid extract, or 2145  
liquid distillate form, possession of L.S.D. is a felony of the 2146  
fourth degree, and division (C) of section 2929.13 of the 2147  
Revised Code applies in determining whether to impose a prison 2148  
term on the offender. 2149

(c) If the amount of L.S.D. involved equals or exceeds 2150  
fifty unit doses, but is less than two hundred fifty unit doses 2151  
of L.S.D. in a solid form or equals or exceeds five grams but is 2152  
less than twenty-five grams of L.S.D. in a liquid concentrate, 2153  
liquid extract, or liquid distillate form, possession of L.S.D. 2154  
is a felony of the third degree, and there is a presumption for 2155  
a prison term for the offense. 2156

(d) If the amount of L.S.D. involved equals or exceeds two 2157  
hundred fifty unit doses but is less than one thousand unit 2158  
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2159  
grams but is less than one hundred grams of L.S.D. in a liquid 2160  
concentrate, liquid extract, or liquid distillate form, 2161  
possession of L.S.D. is a felony of the second degree, and the 2162  
court shall impose as a mandatory prison term a second degree 2163  
felony mandatory prison term. 2164

(e) If the amount of L.S.D. involved equals or exceeds one 2165  
thousand unit doses but is less than five thousand unit doses of 2166

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

(f) If the amount of L.S.D. involved equals or exceeds 2173  
five thousand unit doses of L.S.D. in a solid form or equals or 2174  
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2175  
liquid extract, or liquid distillate form, possession of L.S.D. 2176  
is a felony of the first degree, the offender is a major drug 2177  
offender, and the court shall impose as a mandatory prison term 2178  
a maximum first degree felony mandatory prison term. 2179

(6) If the drug involved in the violation is heroin or a 2180  
compound, mixture, preparation, or substance containing heroin, 2181  
whoever violates division (A) of this section is guilty of 2182  
possession of heroin. The penalty for the offense shall be 2183  
determined as follows: 2184

(a) Except as otherwise provided in division (C) (6) (b), 2185  
(c), (d), (e), or (f) of this section, possession of heroin is a 2186  
felony of the fifth degree, and division (B) of section 2929.13 2187  
of the Revised Code applies in determining whether to impose a 2188  
prison term on the offender. 2189

(b) If the amount of the drug involved equals or exceeds 2190  
ten unit doses but is less than fifty unit doses or equals or 2191  
exceeds one gram but is less than five grams, possession of 2192  
heroin is a felony of the fourth degree, and division (C) of 2193  
section 2929.13 of the Revised Code applies in determining 2194  
whether to impose a prison term on the offender. 2195

(c) If the amount of the drug involved equals or exceeds 2196  
fifty unit doses but is less than one hundred unit doses or 2197  
equals or exceeds five grams but is less than ten grams, 2198  
possession of heroin is a felony of the third degree, and there 2199  
is a presumption for a prison term for the offense. 2200

(d) If the amount of the drug involved equals or exceeds 2201  
one hundred unit doses but is less than five hundred unit doses 2202  
or equals or exceeds ten grams but is less than fifty grams, 2203  
possession of heroin is a felony of the second degree, and the 2204  
court shall impose as a mandatory prison term a second degree 2205  
felony mandatory prison term. 2206

(e) If the amount of the drug involved equals or exceeds 2207  
five hundred unit doses but is less than one thousand unit doses 2208  
or equals or exceeds fifty grams but is less than one hundred 2209  
grams, possession of heroin is a felony of the first degree, and 2210  
the court shall impose as a mandatory prison term a first degree 2211  
felony mandatory prison term. 2212

(f) If the amount of the drug involved equals or exceeds 2213  
one thousand unit doses or equals or exceeds one hundred grams, 2214  
possession of heroin is a felony of the first degree, the 2215  
offender is a major drug offender, and the court shall impose as 2216  
a mandatory prison term a maximum first degree felony mandatory 2217  
prison term. 2218

(7) If the drug involved in the violation is hashish or a 2219  
compound, mixture, preparation, or substance containing hashish, 2220  
whoever violates division (A) of this section is guilty of 2221  
possession of hashish. The penalty for the offense shall be 2222  
determined as follows: 2223

(a) Except as otherwise provided in division (C) (7) (b), 2224

(c), (d), (e), (f), or (g) of this section, possession of 2225  
hashish is a minor misdemeanor. 2226

(b) If the amount of the drug involved equals or exceeds 2227  
five grams but is less than ten grams of hashish in a solid form 2228  
or equals or exceeds one gram but is less than two grams of 2229  
hashish in a liquid concentrate, liquid extract, or liquid 2230  
distillate form, possession of hashish is a misdemeanor of the 2231  
fourth degree. 2232

(c) If the amount of the drug involved equals or exceeds 2233  
ten grams but is less than fifty grams of hashish in a solid 2234  
form or equals or exceeds two grams but is less than ten grams 2235  
of hashish in a liquid concentrate, liquid extract, or liquid 2236  
distillate form, possession of hashish is a felony of the fifth 2237  
degree, and division (B) of section 2929.13 of the Revised Code 2238  
applies in determining whether to impose a prison term on the 2239  
offender. 2240

(d) If the amount of the drug involved equals or exceeds 2241  
fifty grams but is less than two hundred fifty grams of hashish 2242  
in a solid form or equals or exceeds ten grams but is less than 2243  
fifty grams of hashish in a liquid concentrate, liquid extract, 2244  
or liquid distillate form, possession of hashish is a felony of 2245  
the third degree, and division (C) of section 2929.13 of the 2246  
Revised Code applies in determining whether to impose a prison 2247  
term on the offender. 2248

(e) If the amount of the drug involved equals or exceeds 2249  
two hundred fifty grams but is less than one thousand grams of 2250  
hashish in a solid form or equals or exceeds fifty grams but is 2251  
less than two hundred grams of hashish in a liquid concentrate, 2252  
liquid extract, or liquid distillate form, possession of hashish 2253  
is a felony of the third degree, and there is a presumption that 2254

a prison term shall be imposed for the offense. 2255

(f) If the amount of the drug involved equals or exceeds 2256  
one thousand grams but is less than two thousand grams of 2257  
hashish in a solid form or equals or exceeds two hundred grams 2258  
but is less than four hundred grams of hashish in a liquid 2259  
concentrate, liquid extract, or liquid distillate form, 2260  
possession of hashish is a felony of the second degree, and the 2261  
court shall impose as a mandatory prison term a second degree 2262  
felony mandatory prison term of five, six, seven, or eight 2263  
years. 2264

(g) If the amount of the drug involved equals or exceeds 2265  
two thousand grams of hashish in a solid form or equals or 2266  
exceeds four hundred grams of hashish in a liquid concentrate, 2267  
liquid extract, or liquid distillate form, possession of hashish 2268  
is a felony of the second degree, and the court shall impose as 2269  
a mandatory prison term a maximum second degree felony mandatory 2270  
prison term. 2271

(8) If the drug involved is a controlled substance analog 2272  
or compound, mixture, preparation, or substance that contains a 2273  
controlled substance analog, whoever violates division (A) of 2274  
this section is guilty of possession of a controlled substance 2275  
analog. The penalty for the offense shall be determined as 2276  
follows: 2277

(a) Except as otherwise provided in division (C) (8) (b), 2278  
(c), (d), (e), or (f) of this section, possession of a 2279  
controlled substance analog is a felony of the fifth degree, and 2280  
division (B) of section 2929.13 of the Revised Code applies in 2281  
determining whether to impose a prison term on the offender. 2282

(b) If the amount of the drug involved equals or exceeds 2283

ten grams but is less than twenty grams, possession of a 2284  
controlled substance analog is a felony of the fourth degree, 2285  
and there is a presumption for a prison term for the offense. 2286

(c) If the amount of the drug involved equals or exceeds 2287  
twenty grams but is less than thirty grams, possession of a 2288  
controlled substance analog is a felony of the third degree, and 2289  
there is a presumption for a prison term for the offense. 2290

(d) If the amount of the drug involved equals or exceeds 2291  
thirty grams but is less than forty grams, possession of a 2292  
controlled substance analog is a felony of the second degree, 2293  
and the court shall impose as a mandatory prison term a second 2294  
degree felony mandatory prison term. 2295

(e) If the amount of the drug involved equals or exceeds 2296  
forty grams but is less than fifty grams, possession of a 2297  
controlled substance analog is a felony of the first degree, and 2298  
the court shall impose as a mandatory prison term a first degree 2299  
felony mandatory prison term. 2300

(f) If the amount of the drug involved equals or exceeds 2301  
fifty grams, possession of a controlled substance analog is a 2302  
felony of the first degree, the offender is a major drug 2303  
offender, and the court shall impose as a mandatory prison term 2304  
a maximum first degree felony mandatory prison term. 2305

(9) If the drug involved in the violation is a compound, 2306  
mixture, preparation, or substance that is a combination of a 2307  
fentanyl-related compound and marihuana, one of the following 2308  
applies: 2309

(a) Except as otherwise provided in division (C) (9) (b) of 2310  
this section, the offender is guilty of possession of marihuana 2311  
and shall be punished as provided in division (C) (3) of this 2312

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

(b) If the offender knows or has reason to know that the 2319  
compound, mixture, preparation, or substance that is the drug 2320  
involved contains a fentanyl-related compound, the offender is 2321  
guilty of possession of a fentanyl-related compound and shall be 2322  
punished under division (C) (11) of this section. 2323

(10) If the drug involved in the violation is a compound, 2324  
mixture, preparation, or substance that is a combination of a 2325  
fentanyl-related compound and any schedule III, schedule IV, or 2326  
schedule V controlled substance that is not a fentanyl-related 2327  
compound, one of the following applies: 2328

(a) Except as otherwise provided in division (C) (10) (b) of 2329  
this section, the offender is guilty of possession of drugs and 2330  
shall be punished as provided in division (C) (2) of this 2331  
section. Except as otherwise provided in division (C) (10) (b) of 2332  
this section, the offender is not guilty of possession of a 2333  
fentanyl-related compound under division (C) (11) of this section 2334  
and shall not be charged with, convicted of, or punished under 2335  
division (C) (11) of this section for possession of a fentanyl- 2336  
related compound. 2337

(b) If the offender knows or has reason to know that the 2338  
compound, mixture, preparation, or substance that is the drug 2339  
involved contains a fentanyl-related compound, the offender is 2340  
guilty of possession of a fentanyl-related compound and shall be 2341  
punished under division (C) (11) of this section. 2342

(11) If the drug involved in the violation is a fentanyl- 2343  
related compound and neither division (C) (9) (a) nor division (C) 2344  
(10) (a) of this section applies to the drug involved, or is a 2345  
compound, mixture, preparation, or substance that contains a 2346  
fentanyl-related compound or is a combination of a fentanyl- 2347  
related compound and any other controlled substance and neither 2348  
division (C) (9) (a) nor division (C) (10) (a) of this section 2349  
applies to the drug involved, whoever violates division (A) of 2350  
this section is guilty of possession of a fentanyl-related 2351  
compound. The penalty for the offense shall be determined as 2352  
follows: 2353

(a) Except as otherwise provided in division (C) (11) (b), 2354  
(c), (d), (e), (f), or (g) of this section, possession of a 2355  
fentanyl-related compound is a felony of the fifth degree, and 2356  
division (B) of section 2929.13 of the Revised Code applies in 2357  
determining whether to impose a prison term on the offender. 2358

(b) If the amount of the drug involved equals or exceeds 2359  
ten unit doses but is less than fifty unit doses or equals or 2360  
exceeds one gram but is less than five grams, possession of a 2361  
fentanyl-related compound is a felony of the fourth degree, and 2362  
division (C) of section 2929.13 of the Revised Code applies in 2363  
determining whether to impose a prison term on the offender. 2364

(c) If the amount of the drug involved equals or exceeds 2365  
fifty unit doses but is less than one hundred unit doses or 2366  
equals or exceeds five grams but is less than ten grams, 2367  
possession of a fentanyl-related compound is a felony of the 2368  
third degree, and there is a presumption for a prison term for 2369  
the offense. 2370

(d) If the amount of the drug involved equals or exceeds 2371  
one hundred unit doses but is less than two hundred unit doses 2372



or equals or exceeds ten grams but is less than twenty grams, 2373  
possession of a fentanyl-related compound is a felony of the 2374  
second degree, and the court shall impose as a mandatory prison 2375  
term one of the prison terms prescribed for a felony of the 2376  
second degree. 2377

(e) If the amount of the drug involved equals or exceeds 2378  
two hundred unit doses but is less than five hundred unit doses 2379  
or equals or exceeds twenty grams but is less than fifty grams, 2380  
possession of a fentanyl-related compound is a felony of the 2381  
first degree, and the court shall impose as a mandatory prison 2382  
term one of the prison terms prescribed for a felony of the 2383  
first degree. 2384

(f) If the amount of the drug involved equals or exceeds 2385  
five hundred unit doses but is less than one thousand unit doses 2386  
or equals or exceeds fifty grams but is less than one hundred 2387  
grams, possession of a fentanyl-related compound is a felony of 2388  
the first degree, and the court shall impose as a mandatory 2389  
prison term the maximum prison term prescribed for a felony of 2390  
the first degree. 2391

(g) If the amount of the drug involved equals or exceeds 2392  
one thousand unit doses or equals or exceeds one hundred grams, 2393  
possession of a fentanyl-related compound is a felony of the 2394  
first degree, the offender is a major drug offender, and the 2395  
court shall impose as a mandatory prison term the maximum prison 2396  
term prescribed for a felony of the first degree. 2397

(D) Arrest or conviction for a minor misdemeanor violation 2398  
of this section does not constitute a criminal record and need 2399  
not be reported by the person so arrested or convicted in 2400  
response to any inquiries about the person's criminal record, 2401  
including any inquiries contained in any application for 2402

employment, license, or other right or privilege, or made in 2403  
connection with the person's appearance as a witness. 2404

(E) In addition to any prison term or jail term authorized 2405  
or required by division (C) of this section and sections 2406  
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2407  
Code and in addition to any other sanction that is imposed for 2408  
the offense under this section, sections 2929.11 to 2929.18, or 2409  
sections 2929.21 to 2929.28 of the Revised Code, ~~the court that~~ 2410  
~~sentences an offender who is convicted of or pleads guilty to a~~ 2411  
~~violation of division (A) of this section may suspend the~~ 2412  
~~offender's driver's or commercial driver's license or permit for~~ 2413  
~~not more than five years. However, if the offender pleaded~~ 2414  
~~guilty to or was convicted of a violation of section 4511.19 of~~ 2415  
~~the Revised Code or a substantially similar municipal ordinance~~ 2416  
~~or the law of another state or the United States arising out of~~ 2417  
~~the same set of circumstances as the violation, the court shall~~ 2418  
~~suspend the offender's driver's or commercial driver's license~~ 2419  
~~or permit for not more than five years. If if applicable, the~~ 2420  
court also shall do the following: 2421

(1) (a) If the violation is a felony of the first, second, 2422  
or third degree, the court shall impose upon the offender the 2423  
mandatory fine specified for the offense under division (B) (1) 2424  
of section 2929.18 of the Revised Code unless, as specified in 2425  
that division, the court determines that the offender is 2426  
indigent. 2427

(b) Notwithstanding any contrary provision of section 2428  
3719.21 of the Revised Code, the clerk of the court shall pay a 2429  
mandatory fine or other fine imposed for a violation of this 2430  
section pursuant to division (A) of section 2929.18 of the 2431  
Revised Code in accordance with and subject to the requirements 2432

of division (F) of section 2925.03 of the Revised Code. The 2433  
agency that receives the fine shall use the fine as specified in 2434  
division (F) of section 2925.03 of the Revised Code. 2435

(c) If a person is charged with a violation of this 2436  
section that is a felony of the first, second, or third degree, 2437  
posts bail, and forfeits the bail, the clerk shall pay the 2438  
forfeited bail pursuant to division (E) (1) (b) of this section as 2439  
if it were a mandatory fine imposed under division (E) (1) (a) of 2440  
this section. 2441

(2) If the offender is a professionally licensed person, 2442  
in addition to any other sanction imposed for a violation of 2443  
this section, the court immediately shall comply with section 2444  
2925.38 of the Revised Code. 2445

(3) If the violation is a felony of the first, second, or 2446  
third degree and the offender has a driver's or commercial 2447  
driver's license or permit, section 2929.33 of the Revised Code 2448  
applies. 2449

(F) It is an affirmative defense, as provided in section 2450  
2901.05 of the Revised Code, to a charge of a fourth degree 2451  
felony violation under this section that the controlled 2452  
substance that gave rise to the charge is in an amount, is in a 2453  
form, is prepared, compounded, or mixed with substances that are 2454  
not controlled substances in a manner, or is possessed under any 2455  
other circumstances, that indicate that the substance was 2456  
possessed solely for personal use. Notwithstanding any contrary 2457  
provision of this section, if, in accordance with section 2458  
2901.05 of the Revised Code, an accused who is charged with a 2459  
fourth degree felony violation of division (C) (2), (4), (5), or 2460  
(6) of this section sustains the burden of going forward with 2461  
evidence of and establishes by a preponderance of the evidence 2462

the affirmative defense described in this division, the accused 2463  
may be prosecuted for and may plead guilty to or be convicted of 2464  
a misdemeanor violation of division (C) (2) of this section or a 2465  
fifth degree felony violation of division (C) (4), (5), or (6) of 2466  
this section respectively. 2467

(G) When a person is charged with possessing a bulk amount 2468  
or multiple of a bulk amount, division (E) of section 2925.03 of 2469  
the Revised Code applies regarding the determination of the 2470  
amount of the controlled substance involved at the time of the 2471  
offense. 2472

(H) It is an affirmative defense to a charge of possession 2473  
of a controlled substance analog under division (C) (8) of this 2474  
section that the person charged with violating that offense 2475  
obtained, possessed, or used one of the following items that are 2476  
excluded from the meaning of "controlled substance analog" under 2477  
section 3719.01 of the Revised Code: 2478

(1) A controlled substance; 2479

(2) Any substance for which there is an approved new drug 2480  
application; 2481

(3) With respect to a particular person, any substance if 2482  
an exemption is in effect for investigational use for that 2483  
person pursuant to federal law to the extent that conduct with 2484  
respect to that substance is pursuant to that exemption. 2485

(I) Any offender who received a mandatory suspension of 2486  
the offender's driver's or commercial driver's license or permit 2487  
under this section prior to September 13, 2016, may file a 2488  
motion with the sentencing court requesting the termination of 2489  
the suspension. However, an offender who pleaded guilty to or 2490  
was convicted of a violation of section 4511.19 of the Revised 2491

Code or a substantially similar municipal ordinance or law of 2492  
another state or the United States that arose out of the same 2493  
set of circumstances as the violation for which the offender's 2494  
license or permit was suspended under this section shall not 2495  
file such a motion. 2496

Upon the filing of a motion under division (I) of this 2497  
section, the sentencing court, in its discretion, may terminate 2498  
the suspension. 2499

**Sec. 2925.12.** (A) No person shall knowingly make, obtain, 2500  
possess, or use any instrument, article, or thing the customary 2501  
and primary purpose of which is for the administration or use of 2502  
a dangerous drug, other than marihuana, when the instrument 2503  
involved is a hypodermic or syringe, whether or not of crude or 2504  
extemporized manufacture or assembly, and the instrument, 2505  
article, or thing involved has been used by the offender to 2506  
unlawfully administer or use a dangerous drug, other than 2507  
marihuana, or to prepare a dangerous drug, other than marihuana, 2508  
for unlawful administration or use. 2509

(B) (1) This section does not apply to manufacturers, 2510  
licensed health professionals authorized to prescribe drugs, 2511  
pharmacists, owners of pharmacies, and other persons whose 2512  
conduct was in accordance with Chapters 3719., 4715., 4723., 2513  
4729., 4730., 4731., and 4741. of the Revised Code. 2514

(2) Division (B) (2) of section 2925.11 of the Revised Code 2515  
applies with respect to a violation of this section when a 2516  
person seeks or obtains medical assistance for another person 2517  
who is experiencing a drug overdose, a person experiences a drug 2518  
overdose and seeks medical assistance for that overdose, or a 2519  
person is the subject of another person seeking or obtaining 2520  
medical assistance for that overdose. 2521

(C) Whoever violates this section is guilty of possessing 2522  
drug abuse instruments, a misdemeanor of the second degree. If 2523  
the offender previously has been convicted of a drug abuse 2524  
offense, a violation of this section is a misdemeanor of the 2525  
first degree. 2526

(D) (1) In addition to any other sanction imposed upon an 2527  
offender for a violation of this section, ~~the court may suspend~~ 2528  
~~for not more than five years the offender's driver's or~~ 2529  
~~commercial driver's license or permit. However,~~ if the offender 2530  
pleaded guilty to or was convicted of a violation of section 2531  
4511.19 of the Revised Code or a substantially similar municipal 2532  
ordinance or the law of another state or the United States 2533  
arising out of the same set of circumstances as the violation, 2534  
the court shall suspend the offender's driver's or commercial 2535  
driver's license or permit for not more than five years. If the 2536  
offender is a professionally licensed person, in addition to any 2537  
other sanction imposed for a violation of this section, the 2538  
court immediately shall comply with section 2925.38 of the 2539  
Revised Code. 2540

(2) Any offender who received a ~~mandatory~~ suspension of 2541  
the offender's driver's or commercial driver's license or permit 2542  
under this section prior to ~~September 13, 2016,~~ the effective 2543  
date of this amendment may file a motion with the sentencing 2544  
court requesting the termination of the suspension. However, an 2545  
offender who pleaded guilty to or was convicted of a violation 2546  
of section 4511.19 of the Revised Code or a substantially 2547  
similar municipal ordinance or law of another state or the 2548  
United States that arose out of the same set of circumstances as 2549  
the violation for which the offender's license or permit was 2550  
suspended under this section shall not file such a motion. 2551

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

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

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

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

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

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

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

(b) The felony drug abuse offense in question is a violation of section 2925.041 of the Revised Code and the offender had actual knowledge, at the time the offender permitted the vehicle, premises, or real estate to be used as described in division (A) or (B) of this section, that the

person who assembled or possessed the chemicals in question in 2581  
violation of section 2925.041 of the Revised Code had assembled 2582  
or possessed them with the intent to manufacture a controlled 2583  
substance in schedule I or II in violation of section 2925.04 of 2584  
the Revised Code. 2585

~~(D) (1) In addition to any prison term authorized or 2586  
required by division (C) of this section and sections 2929.13- 2587  
and 2929.14 of the Revised Code and in addition to any other 2588  
sanction imposed for the offense under this section or sections 2589  
2929.11 to 2929.18 of the Revised Code, the court that sentences 2590  
a person who is convicted of or pleads guilty to a violation of 2591  
division (A) of this section may suspend for not more than five 2592  
years the offender's driver's or commercial driver's license or 2593  
permit. However, if the offender pleaded guilty to or was 2594  
convicted of a violation of section 4511.19 of the Revised Code- 2595  
or a substantially similar municipal ordinance or the law of 2596  
another state or the United States arising out of the same set 2597  
of circumstances as the violation, the court shall suspend the 2598  
offender's driver's or commercial driver's license or permit for 2599  
not more than five years. 2600~~

If the offender is a professionally licensed person, in 2601  
addition to any other sanction imposed for a violation of this 2602  
section, the court immediately shall comply with section 2925.38 2603  
of the Revised Code. 2604

If the offender has a driver's or commercial driver's 2605  
license or permit, section 2929.33 of the Revised Code applies. 2606

(2) Any offender who received a mandatory suspension of 2607  
the offender's driver's or commercial driver's license or permit 2608  
under this section prior to September 13, 2016, may file a 2609  
motion with the sentencing court requesting the termination of 2610



the suspension. However, an offender who pleaded guilty to or 2611  
was convicted of a violation of section 4511.19 of the Revised 2612  
Code or a substantially similar municipal ordinance or law of 2613  
another state or the United States that arose out of the same 2614  
set of circumstances as the violation for which the offender's 2615  
license or permit was suspended under this section shall not 2616  
file such a motion. 2617

Upon the filing of a motion under division (D) (2) of this 2618  
section, the sentencing court, in its discretion, may terminate 2619  
the suspension. 2620

(E) Notwithstanding any contrary provision of section 2621  
3719.21 of the Revised Code, the clerk of the court shall pay a 2622  
fine imposed for a violation of this section pursuant to 2623  
division (A) of section 2929.18 of the Revised Code in 2624  
accordance with and subject to the requirements of division (F) 2625  
of section 2925.03 of the Revised Code. The agency that receives 2626  
the fine shall use the fine as specified in division (F) of 2627  
section 2925.03 of the Revised Code. 2628

(F) Any premises or real estate that is permitted to be 2629  
used in violation of division (B) of this section constitutes a 2630  
nuisance subject to abatement pursuant to Chapter 3767. of the 2631  
Revised Code. 2632

**Sec. 2925.14.** (A) As used in this section, "drug 2633  
paraphernalia" means any equipment, product, or material of any 2634  
kind that is used by the offender, intended by the offender for 2635  
use, or designed for use, in propagating, cultivating, growing, 2636  
harvesting, manufacturing, compounding, converting, producing, 2637  
processing, preparing, testing, analyzing, packaging, 2638  
repackaging, storing, containing, concealing, injecting, 2639  
ingesting, inhaling, or otherwise introducing into the human 2640

body, a controlled substance in violation of this chapter. "Drug paraphernalia" includes, but is not limited to, any of the following equipment, products, or materials that are used by the offender, intended by the offender for use, or designed by the offender for use, in any of the following manners:

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

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

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

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

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

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

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

(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;

(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;

(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	2668 2669
(11) A container or device for storing or concealing a controlled substance;	2670 2671
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	2672 2673 2674
(13) An object, instrument, or device for ingesting, inhaling, or otherwise introducing into the human body, marihuana, cocaine, hashish, or hashish oil, such as a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl; water pipe; carburetion tube or device; smoking or carburetion mask; roach clip or similar object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand; miniature cocaine spoon, or cocaine vial; chamber pipe; carburetor pipe; electric pipe; air driver pipe; chillum; bong; or ice pipe or chiller.	2675 2676 2677 2678 2679 2680 2681 2682 2683 2684 2685
(B) In determining if any equipment, product, or material is drug paraphernalia, a court or law enforcement officer shall consider, in addition to other relevant factors, the following:	2686 2687 2688
(1) Any statement by the owner, or by anyone in control, of the equipment, product, or material, concerning its use;	2689 2690
(2) The proximity in time or space of the equipment, product, or material, or of the act relating to the equipment, product, or material, to a violation of any provision of this chapter;	2691 2692 2693 2694
(3) The proximity of the equipment, product, or material to any controlled substance;	2695 2696

(4) The existence of any residue of a controlled substance	2697
on the equipment, product, or material;	2698
(5) Direct or circumstantial evidence of the intent of the	2699
owner, or of anyone in control, of the equipment, product, or	2700
material, to deliver it to any person whom the owner or person	2701
in control of the equipment, product, or material knows intends	2702
to use the object to facilitate a violation of any provision of	2703
this chapter. A finding that the owner, or anyone in control, of	2704
the equipment, product, or material, is not guilty of a	2705
violation of any other provision of this chapter does not	2706
prevent a finding that the equipment, product, or material was	2707
intended or designed by the offender for use as drug	2708
paraphernalia.	2709
(6) Any oral or written instruction provided with the	2710
equipment, product, or material concerning its use;	2711
(7) Any descriptive material accompanying the equipment,	2712
product, or material and explaining or depicting its use;	2713
(8) National or local advertising concerning the use of	2714
the equipment, product, or material;	2715
(9) The manner and circumstances in which the equipment,	2716
product, or material is displayed for sale;	2717
(10) Direct or circumstantial evidence of the ratio of the	2718
sales of the equipment, product, or material to the total sales	2719
of the business enterprise;	2720
(11) The existence and scope of legitimate uses of the	2721
equipment, product, or material in the community;	2722
(12) Expert testimony concerning the use of the equipment,	2723
product, or material.	2724

(C) (1) Subject to divisions (D) (2), (3), and (4) of this 2725  
section, no person shall knowingly use, or possess with purpose 2726  
to use, drug paraphernalia. 2727

(2) No person shall knowingly sell, or possess or 2728  
manufacture with purpose to sell, drug paraphernalia, if the 2729  
person knows or reasonably should know that the equipment, 2730  
product, or material will be used as drug paraphernalia. 2731

(3) No person shall place an advertisement in any 2732  
newspaper, magazine, handbill, or other publication that is 2733  
published and printed and circulates primarily within this 2734  
state, if the person knows that the purpose of the advertisement 2735  
is to promote the illegal sale in this state of the equipment, 2736  
product, or material that the offender intended or designed for 2737  
use as drug paraphernalia. 2738

(D) (1) This section does not apply to manufacturers, 2739  
licensed health professionals authorized to prescribe drugs, 2740  
pharmacists, owners of pharmacies, and other persons whose 2741  
conduct is in accordance with Chapters 3719., 4715., 4723., 2742  
4729., 4730., 4731., and 4741. of the Revised Code. This section 2743  
shall not be construed to prohibit the possession or use of a 2744  
hypodermic as authorized by section 3719.172 of the Revised 2745  
Code. 2746

(2) Division (C) (1) of this section does not apply to a 2747  
person's use, or possession with purpose to use, any drug 2748  
paraphernalia that is equipment, a product, or material of any 2749  
kind that is used by the person, intended by the person for use, 2750  
or designed for use in storing, containing, concealing, 2751  
injecting, ingesting, inhaling, or otherwise introducing into 2752  
the human body marihuana. 2753

(3) Division (B) (2) of section 2925.11 of the Revised Code 2754  
applies with respect to a violation of division (C) (1) of this 2755  
section when a person seeks or obtains medical assistance for 2756  
another person who is experiencing a drug overdose, a person 2757  
experiences a drug overdose and seeks medical assistance for 2758  
that overdose, or a person is the subject of another person 2759  
seeking or obtaining medical assistance for that overdose. 2760

(4) Division (C) (1) of this section does not apply to a 2761  
person's use, or possession with purpose to use, any drug 2762  
testing strips to determine the presence of fentanyl or a 2763  
fentanyl-related compound. 2764

(E) Notwithstanding Chapter 2981. of the Revised Code, any 2765  
drug paraphernalia that was used, possessed, sold, or 2766  
manufactured in a violation of this section shall be seized, 2767  
after a conviction for that violation shall be forfeited, and 2768  
upon forfeiture shall be disposed of pursuant to division (B) of 2769  
section 2981.12 of the Revised Code. 2770

(F) (1) Whoever violates division (C) (1) of this section is 2771  
guilty of illegal use or possession of drug paraphernalia, a 2772  
misdemeanor of the fourth degree. 2773

(2) Except as provided in division (F) (3) of this section, 2774  
whoever violates division (C) (2) of this section is guilty of 2775  
dealing in drug paraphernalia, a misdemeanor of the second 2776  
degree. 2777

(3) Whoever violates division (C) (2) of this section by 2778  
selling drug paraphernalia to a juvenile is guilty of selling 2779  
drug paraphernalia to juveniles, a misdemeanor of the first 2780  
degree. 2781

(4) Whoever violates division (C) (3) of this section is 2782

guilty of illegal advertising of drug paraphernalia, a 2783  
misdemeanor of the second degree. 2784

(G) (1) In addition to any other sanction imposed upon an 2785  
offender for a violation of this section, ~~the court may suspend~~ 2786  
~~for not more than five years the offender's driver's or~~ 2787  
~~commercial driver's license or permit. However,~~ if the offender 2788  
pleaded guilty to or was convicted of a violation of section 2789  
4511.19 of the Revised Code or a substantially similar municipal 2790  
ordinance or the law of another state or the United States 2791  
arising out of the same set of circumstances as the violation, 2792  
the court shall suspend the offender's driver's or commercial 2793  
driver's license or permit for not more than five years. If the 2794  
offender is a professionally licensed person, in addition to any 2795  
other sanction imposed for a violation of this section, the 2796  
court immediately shall comply with section 2925.38 of the 2797  
Revised Code. 2798

(2) Any offender who received a ~~mandatory~~ suspension of 2799  
the offender's driver's or commercial driver's license or permit 2800  
under this section prior to ~~September 13, 2016,~~ the effective 2801  
date of this amendment may file a motion with the sentencing 2802  
court requesting the termination of the suspension. However, an 2803  
offender who pleaded guilty to or was convicted of a violation 2804  
of section 4511.19 of the Revised Code or a substantially 2805  
similar municipal ordinance or law of another state or the 2806  
United States that arose out of the same set of circumstances as 2807  
the violation for which the offender's license or permit was 2808  
suspended under this section shall not file such a motion. 2809

Upon the filing of a motion under division (G) (2) of this 2810  
section, the sentencing court, in its discretion, may terminate 2811  
the suspension. 2812

**Sec. 2925.22.** (A) No person, by deception, shall procure 2813  
the administration of, a prescription for, or the dispensing of, 2814  
a dangerous drug or shall possess an uncompleted preprinted 2815  
prescription blank used for writing a prescription for a 2816  
dangerous drug. 2817

(B) Whoever violates this section is guilty of deception 2818  
to obtain a dangerous drug. The penalty for the offense shall be 2819  
determined as follows: 2820

(1) If the person possesses an uncompleted preprinted 2821  
prescription blank used for writing a prescription for a 2822  
dangerous drug or if the drug involved is a dangerous drug, 2823  
except as otherwise provided in division (B) (2) or (3) of this 2824  
section, deception to obtain a dangerous drug is a felony of the 2825  
fifth degree or, if the offender previously has been convicted 2826  
of or pleaded guilty to a drug abuse offense, a felony of the 2827  
fourth degree. Division (C) of section 2929.13 of the Revised 2828  
Code applies in determining whether to impose a prison term on 2829  
the offender pursuant to this division. 2830

(2) If the drug involved is a compound, mixture, 2831  
preparation, or substance included in schedule I or II, with the 2832  
exception of marihuana, the penalty for deception to obtain 2833  
drugs is one of the following: 2834

(a) Except as otherwise provided in division (B) (2) (b), 2835  
(c), or (d) of this section, it is a felony of the fourth 2836  
degree, and division (C) of section 2929.13 of the Revised Code 2837  
applies in determining whether to impose a prison term on the 2838  
offender. 2839

(b) If the amount of the drug involved equals or exceeds 2840  
the bulk amount but is less than five times the bulk amount, or 2841



if the amount of the drug involved that could be obtained 2842  
pursuant to the prescription would equal or exceed the bulk 2843  
amount but would be less than five times the bulk amount, it is 2844  
a felony of the third degree, and there is a presumption for a 2845  
prison term for the offense. 2846

(c) If the amount of the drug involved equals or exceeds 2847  
five times the bulk amount but is less than fifty times the bulk 2848  
amount, or if the amount of the drug involved that could be 2849  
obtained pursuant to the prescription would equal or exceed five 2850  
times the bulk amount but would be less than fifty times the 2851  
bulk amount, it is a felony of the second degree, and there is a 2852  
presumption for a prison term for the offense. 2853

(d) If the amount of the drug involved equals or exceeds 2854  
fifty times the bulk amount, or if the amount of the drug 2855  
involved that could be obtained pursuant to the prescription 2856  
would equal or exceed fifty times the bulk amount, it is a 2857  
felony of the first degree, and there is a presumption for a 2858  
prison term for the offense. 2859

(3) If the drug involved is a compound, mixture, 2860  
preparation, or substance included in schedule III, IV, or V or 2861  
is marihuana, the penalty for deception to obtain a dangerous 2862  
drug is one of the following: 2863

(a) Except as otherwise provided in division (B) (3) (b), 2864  
(c), or (d) of this section, it is a felony of the fifth degree, 2865  
and division (C) of section 2929.13 of the Revised Code applies 2866  
in determining whether to impose a prison term on the offender. 2867

(b) If the amount of the drug involved equals or exceeds 2868  
the bulk amount but is less than five times the bulk amount, or 2869  
if the amount of the drug involved that could be obtained 2870

pursuant to the prescription would equal or exceed the bulk amount but would be less than five times the bulk amount, it is a felony of the fourth degree, and division (C) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender.

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

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

(C) (1) ~~In addition to any prison term authorized or required by division (B) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, other sanction imposed upon an offender for a violation of this section, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal~~

ordinance or the law of another state or the United States 2901  
arising out of the same set of circumstances as the violation, 2902  
the court shall suspend the offender's driver's or commercial 2903  
driver's license or permit for not more than five years. 2904

If the offender is a professionally licensed person, in 2905  
addition to any other sanction imposed for a violation of this 2906  
section, the court immediately shall comply with section 2925.38 2907  
of the Revised Code. 2908

(2) Any offender who received a ~~mandatory~~ suspension of 2909  
the offender's driver's or commercial driver's license or permit 2910  
under this section prior to ~~the effective date of this amendment~~ 2911  
the effective date of this amendment may file a motion with the 2912  
sentencing court requesting the termination of the suspension. 2913  
However, an offender who pleaded guilty to or was convicted of a 2914  
violation of section 4511.19 of the Revised Code or a 2915  
substantially similar municipal ordinance or law of another 2916  
state or the United States that arose out of the same set of 2917  
circumstances as the violation for which the offender's license 2918  
or permit was suspended under this section shall not file such a 2919  
motion. 2920

Upon the filing of a motion under division (C) (2) of this 2921  
section, the sentencing court, in its discretion, may terminate 2922  
the suspension. 2923

(D) Notwithstanding any contrary provision of section 2924  
3719.21 of the Revised Code, the clerk of the court shall pay a 2925  
fine imposed for a violation of this section pursuant to 2926  
division (A) of section 2929.18 of the Revised Code in 2927  
accordance with and subject to the requirements of division (F) 2928  
of section 2925.03 of the Revised Code. The agency that receives 2929  
the fine shall use the fine as specified in division (F) of 2930

section 2925.03 of the Revised Code.	2931
<b>Sec. 2925.23.</b> (A) No person shall knowingly make a false	2932
statement in any prescription, order, report, or record required	2933
by Chapter 3719. or 4729. of the Revised Code.	2934
(B) No person shall intentionally make, utter, or sell, or	2935
knowingly possess any of the following that is a false or	2936
forged:	2937
(1) Prescription;	2938
(2) Uncompleted preprinted prescription blank used for	2939
writing a prescription;	2940
(3) Official written order;	2941
(4) License for a terminal distributor of dangerous drugs,	2942
as defined in section 4729.01 of the Revised Code;	2943
(5) License for a manufacturer of dangerous drugs,	2944
outsourcing facility, third-party logistics provider, repackager	2945
of dangerous drugs, or wholesale distributor of dangerous drugs,	2946
as defined in section 4729.01 of the Revised Code.	2947
(C) No person, by theft as defined in section 2913.02 of	2948
the Revised Code, shall acquire any of the following:	2949
(1) A prescription;	2950
(2) An uncompleted preprinted prescription blank used for	2951
writing a prescription;	2952
(3) An official written order;	2953
(4) A blank official written order;	2954
(5) A license or blank license for a terminal distributor	2955
of dangerous drugs, as defined in section 4729.01 of the Revised	2956

Code; 2957

(6) A license or blank license for a manufacturer of 2958  
dangerous drugs, outsourcing facility, third-party logistics 2959  
provider, repackager of dangerous drugs, or wholesale 2960  
distributor of dangerous drugs, as defined in section 4729.01 of 2961  
the Revised Code. 2962

(D) No person shall knowingly make or affix any false or 2963  
forged label to a package or receptacle containing any dangerous 2964  
drugs. 2965

(E) Divisions (A) and (D) of this section do not apply to 2966  
licensed health professionals authorized to prescribe drugs, 2967  
pharmacists, owners of pharmacies, and other persons whose 2968  
conduct is in accordance with Chapters 3719., 4715., 4723., 2969  
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 2970

(F) Whoever violates this section is guilty of illegal 2971  
processing of drug documents. If the offender violates division 2972  
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 2973  
section, illegal processing of drug documents is a felony of the 2974  
fifth degree. If the offender violates division (A), division 2975  
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 2976  
section, the penalty for illegal processing of drug documents 2977  
shall be determined as follows: 2978

(1) If the drug involved is a compound, mixture, 2979  
preparation, or substance included in schedule I or II, with the 2980  
exception of marihuana, illegal processing of drug documents is 2981  
a felony of the fourth degree, and division (C) of section 2982  
2929.13 of the Revised Code applies in determining whether to 2983  
impose a prison term on the offender. 2984

(2) If the drug involved is a dangerous drug or a 2985

compound, mixture, preparation, or substance included in 2986  
schedule III, IV, or V or is marihuana, illegal processing of 2987  
drug documents is a felony of the fifth degree, and division (C) 2988  
of section 2929.13 of the Revised Code applies in determining 2989  
whether to impose a prison term on the offender. 2990

(G) (1) In addition to any ~~prison term authorized or~~ 2991  
~~required by division (F) of this section and sections 2929.13~~ 2992  
~~and 2929.14 of the Revised Code and in addition to any other~~ 2993  
~~sanction imposed for the offense under this section or sections~~ 2994  
~~2929.11 to 2929.18 of the Revised Code, the court that sentences~~ 2995  
~~an offender who is convicted of or pleads guilty to any~~ 2996  
~~violation of divisions (A) to (D) of this section may suspend~~ 2997  
~~for not more than five years the offender's driver's or~~ 2998  
~~commercial driver's license or permit. However, other sanction~~ 2999  
imposed upon an offender for a violation of this section, if the 3000  
offender pleaded guilty to or was convicted of a violation of 3001  
section 4511.19 of the Revised Code or a substantially similar 3002  
municipal ordinance or the law of another state or the United 3003  
States arising out of the same set of circumstances as the 3004  
violation, the court shall suspend the offender's driver's or 3005  
commercial driver's license or permit for not more than five 3006  
years. 3007

If the offender is a professionally licensed person, in 3008  
addition to any other sanction imposed for a violation of this 3009  
section, the court immediately shall comply with section 2925.38 3010  
of the Revised Code. 3011

(2) Any offender who received a ~~mandatory~~-suspension of 3012  
the offender's driver's or commercial driver's license or permit 3013  
under this section prior to ~~September 13, 2016,~~the effective 3014  
date of this amendment may file a motion with the sentencing 3015

court requesting the termination of the suspension. However, an 3016  
offender who pleaded guilty to or was convicted of a violation 3017  
of section 4511.19 of the Revised Code or a substantially 3018  
similar municipal ordinance or law of another state or the 3019  
United States that arose out of the same set of circumstances as 3020  
the violation for which the offender's license or permit was 3021  
suspended under this section shall not file such a motion. 3022

Upon the filing of a motion under division (G) (2) of this 3023  
section, the sentencing court, in its discretion, may terminate 3024  
the suspension. 3025

(H) Notwithstanding any contrary provision of section 3026  
3719.21 of the Revised Code, the clerk of court shall pay a fine 3027  
imposed for a violation of this section pursuant to division (A) 3028  
of section 2929.18 of the Revised Code in accordance with and 3029  
subject to the requirements of division (F) of section 2925.03 3030  
of the Revised Code. The agency that receives the fine shall use 3031  
the fine as specified in division (F) of section 2925.03 of the 3032  
Revised Code. 3033

**Sec. 2925.31.** (A) Except for lawful research, clinical, 3034  
medical, dental, or veterinary purposes, no person, with purpose 3035  
to induce intoxication or similar physiological effects, shall 3036  
obtain, possess, or use a harmful intoxicant. 3037

(B) Whoever violates this section is guilty of abusing 3038  
harmful intoxicants, a misdemeanor of the first degree. If the 3039  
offender previously has been convicted of a drug abuse offense, 3040  
abusing harmful intoxicants is a felony of the fifth degree. 3041

(C) (1) In addition to any other sanction imposed upon an 3042  
offender for a violation of this section, ~~the court may suspend~~ 3043  
~~for not more than five years the offender's driver's or~~ 3044

~~commercial driver's license or permit. However,~~ if the offender 3045  
pleaded guilty to or was convicted of a violation of section 3046  
4511.19 of the Revised Code or a substantially similar municipal 3047  
ordinance or the law of another state or the United States 3048  
arising out of the same set of circumstances as the violation, 3049  
the court shall suspend the offender's driver's or commercial 3050  
driver's license or permit for not more than five years. ~~If-~~ 3051

If the offender is a professionally licensed person, in 3052  
addition to any other sanction imposed for a violation of this 3053  
section, the court immediately shall comply with section 2925.38 3054  
of the Revised Code. 3055

(2) Any offender who received a mandatory suspension of 3056  
the offender's driver's or commercial driver's license or permit 3057  
under this section prior to ~~the effective date of this amendment-~~ 3058  
the effective date of this amendment may file a motion with the 3059  
sentencing court requesting the termination of the suspension. 3060  
However, an offender who pleaded guilty to or was convicted of a 3061  
violation of section 4511.19 of the Revised Code or a 3062  
substantially similar municipal ordinance or law of another 3063  
state or the United States that arose out of the same set of 3064  
circumstances as the violation for which the offender's license 3065  
or permit was suspended under this section shall not file such a 3066  
motion. 3067

Upon the filing of a motion under division (C)(2) of this 3068  
section, the sentencing court, in its discretion, may terminate 3069  
the suspension. 3070

**Sec. 2925.32.** (A) Divisions (A)(1) and (2) of this section 3071  
do not apply to the dispensing or distributing of nitrous oxide. 3072

(1) No person shall knowingly dispense or distribute a 3073



harmful intoxicant to a person age eighteen or older if the 3074  
person who dispenses or distributes it knows or has reason to 3075  
believe that the harmful intoxicant will be used in violation of 3076  
section 2925.31 of the Revised Code. 3077

(2) No person shall knowingly dispense or distribute a 3078  
harmful intoxicant to a person under age eighteen if the person 3079  
who dispenses or distributes it knows or has reason to believe 3080  
that the harmful intoxicant will be used in violation of section 3081  
2925.31 of the Revised Code. Division (A) (2) of this section 3082  
does not prohibit either of the following: 3083

(a) Dispensing or distributing a harmful intoxicant to a 3084  
person under age eighteen if a written order from the juvenile's 3085  
parent or guardian is provided to the dispenser or distributor; 3086

(b) Dispensing or distributing gasoline or diesel fuel to 3087  
a person under age eighteen if the dispenser or distributor does 3088  
not know or have reason to believe the product will be used in 3089  
violation of section 2925.31 of the Revised Code. Division (A) 3090  
(2) (a) of this section does not require a person to obtain a 3091  
written order from the parent or guardian of a person under age 3092  
eighteen in order to distribute or dispense gasoline or diesel 3093  
fuel to the person. 3094

(B) (1) No person shall knowingly dispense or distribute 3095  
nitrous oxide to a person age twenty-one or older if the person 3096  
who dispenses or distributes it knows or has reason to believe 3097  
the nitrous oxide will be used in violation of section 2925.31 3098  
of the Revised Code. 3099

(2) Except for lawful medical, dental, or clinical 3100  
purposes, no person shall knowingly dispense or distribute 3101  
nitrous oxide to a person under age twenty-one. 3102

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

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

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

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

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

(D) (1) (a) Whoever violates division (A) (1) or (2) or division (B) (1), (2), or (3) of this section is guilty of trafficking in harmful intoxicants, a felony of the fifth degree. If the offender previously has been convicted of a drug abuse offense, trafficking in harmful intoxicants is a felony of the fourth degree. ~~In addition to any other sanction imposed upon an offender for trafficking in harmful intoxicants, the court may suspend for not more than five years the offender's driver's or commercial driver's license or permit. However, if the offender pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially~~

~~similar municipal ordinance or the law of another state or the  
United States arising out of the same set of circumstances as  
the violation, the court shall suspend the offender's driver's  
or commercial driver's license or permit for not more than five  
years. If~~

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

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

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

Upon the filing of a motion under division (D) (1) (b) of  
this section, the sentencing court, in its discretion, may  
terminate the suspension.

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

(E) It is an affirmative defense to a charge of a

violation of division (A) (2) or (B) (2) of this section that: 3161

(1) An individual exhibited to the defendant or an officer 3162  
or employee of the defendant, for purposes of establishing the 3163  
individual's age, a driver's license or permit issued by this 3164  
state, a commercial driver's license or permit issued by this 3165  
state, an identification card issued pursuant to section 4507.50 3166  
of the Revised Code, for another document that purports to be a 3167  
license, permit, or identification card described in this 3168  
division; 3169

(2) The document exhibited appeared to be a genuine, 3170  
unaltered document, to pertain to the individual, and to 3171  
establish the individual's age; 3172

(3) The defendant or the officer or employee of the 3173  
defendant otherwise did not have reasonable cause to believe 3174  
that the individual was under the age represented. 3175

(F) Beginning July 1, 2001, a person who dispenses or 3176  
distributes nitrous oxide shall record each transaction 3177  
involving the dispensing or distributing of the nitrous oxide on 3178  
a separate card. The person shall require the purchaser to sign 3179  
the card and provide a complete residence address. The person 3180  
dispensing or distributing the nitrous oxide shall sign and date 3181  
the card. The person shall retain the card recording a 3182  
transaction for one year from the date of the transaction. The 3183  
person shall maintain the cards at the person's business address 3184  
and make them available during normal business hours for 3185  
inspection and copying by officers or employees of the state 3186  
board of pharmacy or of other law enforcement agencies of this 3187  
state or the United States that are authorized to investigate 3188  
violations of Chapter 2925., 3719., or 4729. of the Revised Code 3189  
or the federal drug abuse control laws. 3190

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

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

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

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

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

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

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

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

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

the Revised Code. 3219

(C) (1) Whoever violates this section is guilty of illegal 3220  
dispensing of drug samples. 3221

(2) If the drug involved in the offense is a compound, 3222  
mixture, preparation, or substance included in schedule I or II, 3223  
with the exception of marihuana, the penalty for the offense 3224  
shall be determined as follows: 3225

(a) Except as otherwise provided in division (C) (2) (b) of 3226  
this section, illegal dispensing of drug samples is a felony of 3227  
the fifth degree, and, subject to division (E) of this section, 3228  
division (C) of section 2929.13 of the Revised Code applies in 3229  
determining whether to impose a prison term on the offender. 3230

(b) If the offense was committed in the vicinity of a 3231  
school or in the vicinity of a juvenile, illegal dispensing of 3232  
drug samples is a felony of the fourth degree, and, subject to 3233  
division (E) of this section, division (C) of section 2929.13 of 3234  
the Revised Code applies in determining whether to impose a 3235  
prison term on the offender. 3236

(3) If the drug involved in the offense is a dangerous 3237  
drug or a compound, mixture, preparation, or substance included 3238  
in schedule III, IV, or V, or is marihuana, the penalty for the 3239  
offense shall be determined as follows: 3240

(a) Except as otherwise provided in division (C) (3) (b) of 3241  
this section, illegal dispensing of drug samples is a 3242  
misdemeanor of the second degree. 3243

(b) If the offense was committed in the vicinity of a 3244  
school or in the vicinity of a juvenile, illegal dispensing of 3245  
drug samples is a misdemeanor of the first degree. 3246

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

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

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

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

license or permit was suspended under this section shall not 3277  
file such a motion. 3278

Upon the filing of a motion under division (D) (2) of this 3279  
section, the sentencing court, in its discretion, may terminate 3280  
the suspension. 3281

(E) Notwithstanding the prison term authorized or required 3282  
by division (C) of this section and sections 2929.13 and 2929.14 3283  
of the Revised Code, if the violation of division (A) of this 3284  
section involves the sale, offer to sell, or possession of a 3285  
schedule I or II controlled substance, with the exception of 3286  
marihuana, and if the court imposing sentence upon the offender 3287  
finds that the offender as a result of the violation is a major 3288  
drug offender and is guilty of a specification of the type 3289  
described in division (A) of section 2941.1410 of the Revised 3290  
Code, the court, in lieu of the prison term otherwise authorized 3291  
or required, shall impose upon the offender the mandatory prison 3292  
term specified in division (B) (3) (a) of section 2929.14 of the 3293  
Revised Code. 3294

(F) Notwithstanding any contrary provision of section 3295  
3719.21 of the Revised Code, the clerk of the court shall pay a 3296  
fine imposed for a violation of this section pursuant to 3297  
division (A) of section 2929.18 of the Revised Code in 3298  
accordance with and subject to the requirements of division (F) 3299  
of section 2925.03 of the Revised Code. The agency that receives 3300  
the fine shall use the fine as specified in division (F) of 3301  
section 2925.03 of the Revised Code. 3302

**Sec. 2925.37.** (A) No person shall knowingly possess any 3303  
counterfeit controlled substance. 3304

(B) No person shall knowingly make, sell, offer to sell, 3305



or deliver any substance that the person knows is a counterfeit 3306  
controlled substance. 3307

(C) No person shall make, possess, sell, offer to sell, or 3308  
deliver any punch, die, plate, stone, or other device knowing or 3309  
having reason to know that it will be used to print or reproduce 3310  
a trademark, trade name, or other identifying mark upon a 3311  
counterfeit controlled substance. 3312

(D) No person shall sell, offer to sell, give, or deliver 3313  
any counterfeit controlled substance to a juvenile. 3314

(E) No person shall directly or indirectly represent a 3315  
counterfeit controlled substance as a controlled substance by 3316  
describing its effects as the physical or psychological effects 3317  
associated with use of a controlled substance. 3318

(F) No person shall directly or indirectly falsely 3319  
represent or advertise a counterfeit controlled substance as a 3320  
controlled substance. As used in this division, "advertise" 3321  
means engaging in "advertisement," as defined in section 3715.01 3322  
of the Revised Code. 3323

(G) Whoever violates division (A) of this section is 3324  
guilty of possession of counterfeit controlled substances, a 3325  
misdemeanor of the first degree. 3326

(H) Whoever violates division (B) or (C) of this section 3327  
is guilty of trafficking in counterfeit controlled substances. 3328  
Except as otherwise provided in this division, trafficking in 3329  
counterfeit controlled substances is a felony of the fifth 3330  
degree, and division (C) of section 2929.13 of the Revised Code 3331  
applies in determining whether to impose a prison term on the 3332  
offender. If the offense was committed in the vicinity of a 3333  
school or in the vicinity of a juvenile, trafficking in 3334

counterfeit controlled substances is a felony of the fourth 3335  
degree, and division (C) of section 2929.13 of the Revised Code 3336  
applies in determining whether to impose a prison term on the 3337  
offender. 3338

(I) Whoever violates division (D) of this section is 3339  
guilty of aggravated trafficking in counterfeit controlled 3340  
substances. Except as otherwise provided in this division, 3341  
aggravated trafficking in counterfeit controlled substances is a 3342  
felony of the fourth degree, and division (C) of section 2929.13 3343  
of the Revised Code applies in determining whether to impose a 3344  
prison term on the offender. 3345

(J) Whoever violates division (E) of this section is 3346  
guilty of promoting and encouraging drug abuse. Except as 3347  
otherwise provided in this division, promoting and encouraging 3348  
drug abuse is a felony of the fifth degree, and division (C) of 3349  
section 2929.13 of the Revised Code applies in determining 3350  
whether to impose a prison term on the offender. If the offense 3351  
was committed in the vicinity of a school or in the vicinity of 3352  
a juvenile, promoting and encouraging drug abuse is a felony of 3353  
the fourth degree, and division (C) of section 2929.13 of the 3354  
Revised Code applies in determining whether to impose a prison 3355  
term on the offender. 3356

(K) Whoever violates division (F) of this section is 3357  
guilty of fraudulent drug advertising. Except as otherwise 3358  
provided in this division, fraudulent drug advertising is a 3359  
felony of the fifth degree, and division (C) of section 2929.13 3360  
of the Revised Code applies in determining whether to impose a 3361  
prison term on the offender. If the offense was committed in the 3362  
vicinity of a school or in the vicinity of a juvenile, 3363  
fraudulent drug advertising is a felony of the fourth degree, 3364

and division (C) of section 2929.13 of the Revised Code applies 3365  
in determining whether to impose a prison term on the offender. 3366

(L) (1) In addition to any ~~prison term authorized or~~ 3367  
~~required by divisions (H) to (K) of this section and sections~~ 3368  
~~2929.13 and 2929.14 of the Revised Code and in addition to any~~ 3369  
~~other sanction imposed for the offense under this section or~~ 3370  
~~sections 2929.11 to 2929.18 of the Revised Code, the court that~~ 3371  
~~sentences an offender who is convicted of or pleads guilty to a~~ 3372  
~~violation of division (B), (C), (D), (E), or (F) of this section~~ 3373  
~~may suspend for not more than five years the offender's driver's~~ 3374  
~~or commercial driver's license or permit. However, other~~ 3375  
sanction imposed upon an offender for a violation of this 3376  
section, if the offender pleaded guilty to or was convicted of a 3377  
violation of section 4511.19 of the Revised Code or a 3378  
substantially similar municipal ordinance or the law of another 3379  
state or the United States arising out of the same set of 3380  
circumstances as the violation, the court shall suspend the 3381  
offender's driver's or commercial driver's license or permit for 3382  
not more than five years. 3383

If the offender is a professionally licensed person, in 3384  
addition to any other sanction imposed for a violation of this 3385  
section, the court immediately shall comply with section 2925.38 3386  
of the Revised Code. 3387

(2) Any offender who received a ~~mandatory~~ suspension of 3388  
the offender's driver's or commercial driver's license or permit 3389  
under this section prior to ~~the effective date of this amendment~~ 3390  
the effective date of this amendment may file a motion with the 3391  
sentencing court requesting the termination of the suspension. 3392  
However, an offender who pleaded guilty to or was convicted of a 3393  
violation of section 4511.19 of the Revised Code or a 3394

substantially similar municipal ordinance or law of another 3395  
state or the United States that arose out of the same set of 3396  
circumstances as the violation for which the offender's license 3397  
or permit was suspended under this section shall not file such a 3398  
motion. 3399

Upon the filing of a motion under division (L) (2) of this 3400  
section, the sentencing court, in its discretion, may terminate 3401  
the suspension. 3402

(M) Notwithstanding any contrary provision of section 3403  
3719.21 of the Revised Code, the clerk of the court shall pay a 3404  
fine imposed for a violation of this section pursuant to 3405  
division (A) of section 2929.18 of the Revised Code in 3406  
accordance with and subject to the requirements of division (F) 3407  
of section 2925.03 of the Revised Code. The agency that receives 3408  
the fine shall use the fine as specified in division (F) of 3409  
section 2925.03 of the Revised Code. 3410

Sec. 2929.33. (A) As used in this section, "drug abuse 3411  
offense" means a violation of section 2925.02, 2925.03, 2925.04, 3412  
2925.041, 2925.05, 2925.06, 2925.13, 2925.32, or 2925.36 of the 3413  
Revised Code or a felony violation of the first, second, or 3414  
third degree of section 2925.11 of the Revised Code. 3415

(B) (1) Except as provided in division (B) (2) of this 3416  
section, a court that sentences an offender who is convicted of 3417  
or pleads guilty to a drug abuse offense and who used a vehicle 3418  
to further the commission of the offense may suspend the 3419  
driver's or commercial driver's license or permit of the 3420  
offender in accordance with division (C) of this section. 3421

(2) If an offender pleaded guilty to or was convicted of a 3422  
violation of section 4511.19 of the Revised Code or a 3423

substantially similar municipal ordinance or the law of another 3424  
state or the United States arising out of the same set of 3425  
circumstances as the drug abuse offense, the court shall suspend 3426  
the offender's driver's or commercial driver's license or permit 3427  
in accordance with division (C) of this section. 3428

(C) (1) If the sentencing court suspends the offender's 3429  
driver's or commercial driver's license or permit under division 3430  
(B) of this section, the court shall suspend the license, by 3431  
order, for not more than five years. 3432

(2) If an offender's driver's or commercial driver's 3433  
license or permit is suspended pursuant to this section, the 3434  
offender, at any time after the expiration of two years from the 3435  
day on which the offender's sentence was imposed or from the day 3436  
on which the offender finally was released from a jail or prison 3437  
term under the sentence, whichever is later, may file a motion 3438  
with the sentencing court requesting termination of the 3439  
suspension. Upon the filing of such a motion and the court's 3440  
finding of good cause for the termination, the court may 3441  
terminate the suspension. 3442

**Sec. 2935.26.** (A) Notwithstanding any other provision of 3443  
the Revised Code, when a law enforcement officer is otherwise 3444  
authorized to arrest a person for the commission of a minor 3445  
misdemeanor, the officer shall not arrest the person, but shall 3446  
issue a citation, unless one of the following applies: 3447

(1) The offender requires medical care or is unable to 3448  
provide for ~~his~~ the offender's own safety. 3449

(2) The offender cannot or will not offer satisfactory 3450  
evidence of ~~his~~ the offender's identity. 3451

(3) The offender refuses to sign the citation. 3452

(4) The offender has previously been issued a citation for	3453
the commission of that misdemeanor and has failed to do one of	3454
the following:	3455
(a) Appear at the time and place stated in the citation;	3456
(b) Comply with division (C) of this section.	3457
(B) The citation shall contain all of the following:	3458
(1) The name and address of the offender;	3459
(2) A description of the offense and the numerical	3460
designation of the applicable statute or ordinance;	3461
(3) The name of the person issuing the citation;	3462
(4) An order for the offender to appear at a stated time	3463
and place;	3464
(5) A notice that the offender may comply with division	3465
(C) of this section in lieu of appearing at the stated time and	3466
place;	3467
(6) A notice that the offender is required to do one of	3468
the following and that <del>he</del> <u>the offender</u> may be arrested if <del>he</del> <u>the</u>	3469
<u>offender</u> fails to do one of them:	3470
(a) Appear at the time and place stated in the citation;	3471
(b) Comply with division (C) of this section.	3472
(C) In lieu of appearing at the time and place stated in	3473
the citation, the offender may, within seven days after the date	3474
of issuance of the citation, do either of the following:	3475
(1) Appear in person at the office of the clerk of the	3476
court stated in the citation, sign a plea of guilty and a waiver	3477
of trial provision that is on the citation, and <u>either</u> pay the	3478

total amount of the fine and costs or enter into an installment 3479  
payment plan with the clerk of the court; 3480

(2) Sign the guilty plea and waiver of trial provision of 3481  
the citation, and mail the citation and a check or money order 3482  
for the total amount of the fine and costs to the office of the 3483  
clerk of the court stated in the citation. 3484

Remittance by mail of the fine and costs to the office of 3485  
the clerk of the court stated in the citation constitutes a 3486  
guilty plea and waiver of trial whether or not the guilty plea 3487  
and waiver of trial provision of the citation are signed by the 3488  
defendant. 3489

(D) A law enforcement officer who issues a citation shall 3490  
complete and sign the citation form, serve a copy of the 3491  
completed form upon the offender and, without unnecessary delay, 3492  
file the original citation with the court having jurisdiction 3493  
over the offense. 3494

(E) Each court shall establish a fine schedule that shall 3495  
list the fine for each minor misdemeanor, and state the court 3496  
costs. The fine schedule shall be prominently posted in the 3497  
place where minor misdemeanor fines are paid. 3498

(F) If an offender fails to appear and does not comply 3499  
with division (C) of this section, the court ~~may~~ shall issue a 3500  
supplemental citation, ~~or~~. If an offender still fails to appear 3501  
and does not comply with division (C) of this section within the 3502  
thirty days after issuance of the supplemental citation, the 3503  
court may issue a summons or warrant for the arrest of the 3504  
offender pursuant to the Criminal Rules. Supplemental citations 3505  
shall be in the form prescribed by division (B) of this section, 3506  
but shall be issued and signed by the clerk of the court at 3507

which the citation directed the offender to appear and ~~shall~~may 3508  
be sent to the offender through electronic means or may be 3509  
served in the same manner as a summons. 3510

(G) A summons or warrant for the arrest of an offender who 3511  
failed to comply with division (C) of this section shall be 3512  
cancelled by the court if the offender enters into an 3513  
installment payment plan with the clerk of the court that issued 3514  
the summons or warrant for the payment of the fine and costs. 3515

**Sec. 2935.27.** (A) (1) If a law enforcement officer issues a 3516  
citation to a person pursuant to section 2935.26 of the Revised 3517  
Code and if the minor misdemeanor offense for which the citation 3518  
is issued is an act prohibited by Chapter 4511., 4513., or 4549. 3519  
of the Revised Code or an act prohibited by any municipal 3520  
ordinance that is substantially similar to any section contained 3521  
in Chapter 4511., 4513., or 4549. of the Revised Code, the 3522  
officer shall inform the person, if the person has a current 3523  
valid Ohio driver's or commercial driver's license, of the 3524  
possible consequences of the person's actions as required under 3525  
division (E) of this section, and also shall inform the person 3526  
that the person is required either to appear at the time and 3527  
place stated in the citation or to comply with division (C) of 3528  
section 2935.26 of the Revised Code. 3529

~~(2) If the person is an Ohio resident but does not have a~~ 3530  
~~current valid Ohio driver's or commercial driver's license or if~~ 3531  
~~the person is a resident of a state that is not a member of the~~ 3532  
~~nonresident violator compact of which this state is a member~~ 3533  
~~pursuant to section 4510.71 of the Revised Code, and if the~~ 3534  
~~court, by local rule, has prescribed a procedure for the setting~~ 3535  
~~of a reasonable security pursuant to division (F) of this~~ 3536  
~~section, security shall be set in accordance with that local~~ 3537



~~rule and that division.~~ 3538

A court by local rule may prescribe a procedure for the 3539  
setting of reasonable security as described in this division. ~~As~~ 3540  
A court setting security under this division shall do so in 3541  
conformity with sections 2937.22 and 2937.23 of the Revised Code 3542  
and the Rules of Criminal Procedure. 3543

As an alternative to this procedure, a court by local rule 3544  
may prescribe a procedure for the setting of a reasonable 3545  
security by the person without the person appearing before the 3546  
court. 3547

(B) A person who has security set under division (A) (2) of 3548  
this section shall be given a receipt or other evidence of the 3549  
deposit of the security by the court. 3550

(C) Upon compliance with division (C) of section 2935.26 3551  
of the Revised Code by a person who was issued a citation, the 3552  
clerk of the court shall notify the court. The court shall 3553  
immediately return any sum of money, ~~license,~~ or other security 3554  
deposited in relation to the citation to the person, or to any 3555  
other person who deposited the security. 3556

(D) If a person who has a current valid Ohio driver's or 3557  
commercial driver's license and who was issued a citation fails 3558  
to appear at the time and place specified on the citation, or 3559  
fails to comply with division (C) of section 2935.26 of the 3560  
Revised Code, ~~or fails to comply with or satisfy any judgment of~~ 3561  
~~the court within the time allowed by the court,~~ the court shall 3562  
declare the forfeiture of the person's license. Thirty days 3563  
after the declaration of forfeiture, the court shall enter 3564  
information relative to the forfeiture on a form approved and 3565  
furnished by the registrar of motor vehicles, and forward the 3566

form to the registrar. The registrar shall suspend the person's 3567  
driver's or commercial driver's license, send written 3568  
notification of the suspension to the person at the person's 3569  
last known address, and order the person to surrender the 3570  
person's driver's or commercial driver's license to the 3571  
registrar within forty-eight hours. No valid driver's or 3572  
commercial driver's license shall be granted to the person until 3573  
the court having jurisdiction of the offense that led to the 3574  
forfeiture orders that the forfeiture be terminated. The court 3575  
shall so order if the person, after having failed to appear in 3576  
court at the required time and place to answer the charge ~~or~~ 3577  
~~after having pleaded guilty to or been found guilty of the~~ 3578  
~~violation and having failed within the time allowed by the court~~ 3579  
~~to pay the fine imposed by the court,~~ thereafter appears to 3580  
answer the charge ~~and pays any fine imposed by the court or pays~~ 3581  
~~the fine originally imposed by the court.~~ The court shall inform 3582  
the registrar of the termination of the forfeiture by entering 3583  
information relative to the termination on a form approved and 3584  
furnished by the registrar and sending the form to the registrar 3585  
as provided in this division. The person shall pay to the bureau 3586  
of motor vehicles a fifteen-dollar reinstatement fee to cover 3587  
the costs of the bureau in administering this section. The 3588  
registrar shall deposit the fees so paid into the public safety 3589  
- highway purposes fund created by section 4501.06 of the 3590  
Revised Code. 3591

In addition, upon receipt of the copy of the declaration 3592  
of forfeiture from the court, neither the registrar nor any 3593  
deputy registrar shall accept any application for the 3594  
registration or transfer of registration of any motor vehicle 3595  
owned or leased by the person named in the declaration of 3596  
forfeiture until the court having jurisdiction of the offense 3597

that led to the forfeiture orders that the forfeiture be 3598  
terminated. However, for a motor vehicle leased by a person 3599  
named in a declaration of forfeiture, the registrar shall not 3600  
implement the preceding sentence until the registrar adopts 3601  
procedures for that implementation under section 4503.39 of the 3602  
Revised Code. Upon receipt by the registrar of an order 3603  
terminating the forfeiture, the registrar shall take such 3604  
measures as may be necessary to permit the person to register a 3605  
motor vehicle owned or leased by the person or to transfer the 3606  
registration of such a motor vehicle, if the person later makes 3607  
application to take such action and the person otherwise is 3608  
eligible to register the motor vehicle or to transfer the 3609  
registration of it. 3610

The registrar is not required to give effect to any 3611  
declaration of forfeiture or order terminating a forfeiture 3612  
unless the order is transmitted to the registrar by means of an 3613  
electronic transfer system. The registrar shall not restore the 3614  
person's driving or vehicle registration privileges until the 3615  
person pays the reinstatement fee as provided in this division. 3616

If the person who was issued the citation fails to appear 3617  
at the time and place specified on the citation and fails to 3618  
comply with division (C) of section 2935.26 of the Revised Code 3619  
and the person has deposited a sum of money or other security in 3620  
relation to the citation under division (A) (2) of this section, 3621  
the deposit immediately shall be forfeited to the court. 3622

This section does not preclude further action as 3623  
authorized by division (F) of section 2935.26 of the Revised 3624  
Code. 3625

(E) A law enforcement officer who issues a person a minor 3626  
misdemeanor citation for an act prohibited by Chapter 4511., 3627

4513., or 4549. of the Revised Code or an act prohibited by a 3628  
municipal ordinance that is substantially similar to any section 3629  
contained in Chapter 4511., 4513., or 4549. of the Revised Code 3630  
shall inform the person that if the person does not appear at 3631  
the time and place stated on the citation or does not comply 3632  
with division (C) of section 2935.26 of the Revised Code, the 3633  
person's driver's or commercial driver's license will be 3634  
suspended, the person will not be eligible for the reissuance of 3635  
the license or the issuance of a new license or the issuance of 3636  
a certificate of registration for a motor vehicle owned or 3637  
leased by the person, until the person appears and complies with 3638  
all orders of the court. The person also is subject to any 3639  
applicable criminal penalties. 3640

~~(F) A court setting security under division (A) (2) of this 3641  
section shall do so in conformity with sections 2937.22 and 3642  
2937.23 of the Revised Code and the Rules of Criminal Procedure. 3643~~

**Sec. 2937.40.** (A) Bail of any type that is deposited under 3644  
section 2937.011 or sections 2937.22 to 2937.45 of the Revised 3645  
Code by a person other than the accused shall be discharged and 3646  
released, and sureties on recognizances shall be released, in 3647  
any of the following ways: 3648

(1) When a surety on a recognizance or the depositor of 3649  
cash or securities as bail for an accused desires to surrender 3650  
the accused before the appearance date, the surety is discharged 3651  
from further responsibility or the deposit is redeemed in either 3652  
of the following ways: 3653

(a) By delivery of the accused into open court; 3654

(b) When, on the written request of the surety or 3655  
depositor, the clerk of the court to which recognizance is 3656

returnable or in which deposit is made issues to the sheriff a 3657  
warrant for the arrest of the accused and the sheriff indicates 3658  
on the return that the sheriff holds the accused in the 3659  
sheriff's jail. 3660

(2) By appearance of the accused in accordance with the 3661  
terms of the recognizance or deposit and the entry of judgment 3662  
by the court or magistrate; 3663

(3) By payment into court, after default, of the sum fixed 3664  
in the recognizance or the sum fixed in the order of forfeiture, 3665  
if it is less. 3666

(B) When cash or securities have been deposited as bail by 3667  
a person other than the accused and the bail is discharged and 3668  
released pursuant to division (A) of this section, or when 3669  
property has been pledged by a surety on recognizance and the 3670  
surety on recognizance has been released pursuant to division 3671  
(A) of this section, the court shall not deduct any amount from 3672  
the cash or securities or declare forfeited and levy or execute 3673  
against pledged property. The court shall not apply any of the 3674  
deposited cash or securities toward, or declare forfeited and 3675  
levy or execute against property pledged for a recognizance for, 3676  
the satisfaction of any penalty or fine, and court costs, 3677  
assessed against the accused upon the accused's conviction or 3678  
guilty plea, except upon express approval of the person who 3679  
deposited the cash or securities or the surety. 3680

(C) Bail of any type that is deposited under section 3681  
2937.011 or sections 2937.22 to 2937.45 of the Revised Code by 3682  
an accused shall be discharged and released to the accused, and 3683  
property pledged by an accused for a recognizance shall be 3684  
discharged, upon the appearance of the accused in accordance 3685  
with the terms of the recognizance or deposit and the entry of 3686

judgment by the court or magistrate, except that, if the 3687  
defendant is not indigent, the court may apply deposited bail 3688  
toward the satisfaction of a penalty or fine, and court costs, 3689  
assessed against the accused upon the accused's conviction or 3690  
guilty plea, and may declare forfeited and levy or execute 3691  
against pledged property for the satisfaction of a penalty or 3692  
fine, and court costs, assessed against the accused upon the 3693  
accused's conviction or guilty plea. 3694

~~(D) Notwithstanding any other provision of this section, 3695  
an Ohio driver's or commercial driver's license that is 3696  
deposited as bond may be forfeited and otherwise handled as 3697  
provided in section 2937.221 of the Revised Code. 3698~~

**Sec. 2947.09.** (A) If a person is charged with an offense 3699  
in a court of common pleas, including a juvenile court, and 3700  
~~either~~ fails to appear in court at the required time and place 3701  
to answer the charge ~~or pleads guilty to or is found guilty of~~ 3702  
~~the offense or is adjudicated a delinquent child or juvenile~~ 3703  
~~traffic offender based on the offense and fails within the time~~ 3704  
~~allowed by the court to pay any fine or costs imposed by the~~ 3705  
~~court,~~ the court may enter information relative to the person's 3706  
failure to ~~pay any outstanding amount of the fine or costs~~ 3707  
appear on a form prescribed or approved by the registrar of 3708  
motor vehicles pursuant to division (B) of this section and send 3709  
the form to the registrar. Upon receipt of the form, the 3710  
registrar shall take any measures necessary to ensure that 3711  
neither the registrar nor any deputy registrar accepts any 3712  
application for the registration or transfer of registration of 3713  
any motor vehicle owned or leased by the person. However, for a 3714  
motor vehicle leased by the person, the registrar shall not 3715  
implement this requirement until the registrar adopts procedures 3716  
for that implementation under section 4503.39 of the Revised 3717

Code. 3718

The period of denial relating to the issuance or transfer 3719  
of a certificate of registration for a motor vehicle imposed 3720  
under this section remains in effect until the person ~~pays any~~ 3721  
~~fine or costs imposed by the court~~ appears in court relative to 3722  
the offense. ~~When the fine or costs have been paid in full, the~~ 3723  
The court shall inform the registrar of the ~~payment~~ appearance 3724  
by entering information relative to the ~~payment~~ appearance on a 3725  
~~notice of payment~~ form prescribed or approved by the registrar 3726  
pursuant to division (B) of this section and sending the form to 3727  
the registrar. 3728

(B) The registrar shall prescribe and make available to 3729  
courts of common pleas forms to be used for a notice to the 3730  
registrar of failure to ~~pay fines or costs~~ appear and a notice 3731  
to the registrar of ~~payment of fines or costs~~ appearance under 3732  
division (A) of this section. The registrar may approve the use 3733  
of other forms for these purposes. 3734

The registrar may require that any of the forms prescribed 3735  
or approved pursuant to this section be transmitted to the 3736  
registrar electronically. If the registrar requires electronic 3737  
transmission, the registrar shall not be required to give effect 3738  
to any form that is not transmitted electronically. 3739

**Sec. 3123.54.** If a child support enforcement agency, 3740  
pursuant to section 3123.53 of the Revised Code, determines that 3741  
an individual holds a license, endorsement, or permit or has 3742  
applied for, or is likely to apply for, a license, endorsement, 3743  
or permit, it shall send the notice described in section 3123.55 3744  
of the Revised Code to the individual. ~~The~~ Not earlier than 3745  
thirty days after the agency sends the notice to the individual, 3746  
the agency also may send a notice to the registrar of motor 3747

vehicles that gives the name and social security number or other 3748  
identifying number of the individual and states that a court or 3749  
agency has determined that the individual is in default under a 3750  
child support order or has failed to comply with a warrant or 3751  
subpoena issued by a court or agency with respect to a 3752  
proceeding to enforce a child support order. 3753

An individual who receives a notice under this section may 3754  
cooperate with the agency to satisfy one or more of the 3755  
conditions described in divisions (A) to (E) of section 3123.56 3756  
of the Revised Code to prevent notice being sent to the 3757  
registrar and the resulting driver's license suspension. 3758

**Sec. 3123.56.** A child support enforcement agency that sent 3759  
a notice under section 3123.54 of the Revised Code of an 3760  
individual's default under a child support order shall send to 3761  
the registrar of motor vehicles a notice that the individual is 3762  
not in default if it determines that the individual is not in 3763  
default or any of the following occurs: 3764

(A) The individual makes full payment to the office of 3765  
child support or, pursuant to sections 3125.27 to 3125.30 of the 3766  
Revised Code, to the child support enforcement agency of the 3767  
arrearage as of the date the payment is made. 3768

(B) If division (A) of this section is not possible, the 3769  
individual has presented to the agency sufficient evidence of 3770  
current employment or of an account in a financial institution, 3771  
the agency has confirmed the individual's employment or the 3772  
existence of the account, and an appropriate withholding or 3773  
deduction notice described in section 3121.03 of the Revised 3774  
Code has been issued to collect current support and any 3775  
arrearage due under the child support order that was in default. 3776



(C) If divisions (A) and (B) of this section are not 3777  
possible, the individual presents evidence to the agency 3778  
sufficient to establish ~~that the~~ either one of the following: 3779

(1) The individual is unable to work due to circumstances 3780  
beyond the individual's control. 3781

(2) The imposition of a suspension on the individual's 3782  
driver's license or commercial driver's license, motorcycle 3783  
operator's license or endorsement, or temporary instruction 3784  
permit or commercial driver's temporary instruction permit would 3785  
effectively prevent the individual from paying child support or 3786  
any arrearage due under the child support order that was in 3787  
default. 3788

(D) If divisions (A), (B), and (C) of this section are not 3789  
possible, the individual enters into and complies with a written 3790  
agreement with the agency that requires the obligor to comply 3791  
with either of the following: 3792

(1) A family support program administered or approved by 3793  
the agency; 3794

(2) A program to establish compliance with a seek work 3795  
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 3796  
Code. 3797

(E) If divisions (A), (B), (C), and (D) of this section 3798  
are not possible, the individual pays the balance of the total 3799  
monthly obligation due for the ninety-day period preceding the 3800  
date the agency sent the notice described in section 3123.55 of 3801  
the Revised Code. 3802

The agency shall send the notice under this section not 3803  
later than seven days after it determines the individual is not 3804  
in default or that any of the circumstances specified in this 3805

section has occurred. 3806

**Sec. 3123.58.** (A) On receipt of a notice pursuant to 3807  
section 3123.54 of the Revised Code, the registrar of motor 3808  
vehicles shall determine whether the individual named in the 3809  
notice holds or has applied for a driver's license or commercial 3810  
driver's license, motorcycle operator's license or endorsement, 3811  
or temporary instruction permit or commercial driver's temporary 3812  
instruction permit. If the registrar determines that the 3813  
individual holds or has applied for a license, permit, or 3814  
endorsement and the individual is the individual named in the 3815  
notice and does not receive a notice pursuant to section 3123.56 3816  
or 3123.57 of the Revised Code, the registrar immediately shall 3817  
provide notice of the determination to each deputy registrar. 3818  
The registrar or a deputy registrar may not issue to the 3819  
individual a driver's or commercial driver's license, motorcycle 3820  
operator's license or endorsement, or temporary instruction 3821  
permit or commercial driver's temporary instruction permit and 3822  
may not renew for the individual a driver's or commercial 3823  
driver's license, motorcycle operator's license or endorsement, 3824  
or commercial driver's temporary instruction permit. The 3825  
registrar or a deputy registrar also shall impose a class F 3826  
suspension of the license, permit, or endorsement held by the 3827  
individual under division (B) (6) of section 4510.02 of the 3828  
Revised Code. 3829

(B) (1) A court with jurisdiction over the child support 3830  
order may grant an individual whose license, permit, or 3831  
endorsement is suspended under this section limited driving 3832  
privileges in accordance with division (B) of section 4510.021 3833  
of the Revised Code pursuant to a ~~request made during an action~~ 3834  
~~for contempt initiated under section 2705.031 of the Revised~~ 3835  
~~Code~~ motion by that individual for limited driving privileges, 3836

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

(2) A court that grants limited driving privileges to a 3853  
person under division (B) (1) of this section shall include in 3854  
the order any conditions the person shall comply with in order 3855  
to retain the privileges and deliver to the person a permit card 3856  
or other written document, in a form to be prescribed by the 3857  
court, setting forth the date on which the limited privileges 3858  
will become effective, the purposes for which the person may 3859  
drive, the times and places at which the person may drive, and 3860  
any other conditions imposed upon the person's use of a motor 3861  
vehicle. 3862

(3) The court immediately shall notify the registrar, in 3863  
writing, of a grant of limited driving privileges under division 3864  
(B) (1) of this section. The notification shall specify the date 3865  
on which the limited driving privileges will become effective, 3866  
the purposes for which the person may drive, and any other 3867

conditions imposed upon the person's use of a motor vehicle. 3868

(C) If a person who has been granted limited driving 3869  
privileges under division (B)(1) of this section is convicted 3870  
of, pleads guilty to, or is adjudicated in juvenile court of 3871  
having committed a violation of Chapter 4510. of the Revised 3872  
Code or any similar municipal ordinance during the period of 3873  
which the person was granted limited driving privileges, the 3874  
person's limited driving privileges shall be suspended 3875  
immediately pending a reinstatement hearing. 3876

**Sec. 3321.13.** (A) Whenever any child of compulsory school 3877  
age withdraws from school the teacher of that child shall 3878  
ascertain the reason for withdrawal. The fact of the withdrawal 3879  
and the reason for it shall be immediately transmitted by the 3880  
teacher to the superintendent of the city, local, or exempted 3881  
village school district. If the child who has withdrawn from 3882  
school has done so because of change of residence, the next 3883  
residence shall be ascertained and shall be included in the 3884  
notice thus transmitted. The superintendent shall thereupon 3885  
forward a card showing the essential facts regarding the child 3886  
and stating the place of the child's new residence to the 3887  
superintendent of schools of the district to which the child has 3888  
moved. 3889

The department of education and workforce may prescribe 3890  
the forms to be used in the operation of this division. 3891

(B) (1) Upon receipt of information that a child of 3892  
compulsory school age has withdrawn from school for a reason 3893  
other than because of change of residence or for the purpose of 3894  
home education pursuant to section 3321.042 of the Revised Code 3895  
and is not enrolled in and attending in accordance with school 3896  
policy an approved program to obtain a diploma or its 3897

equivalent, the superintendent shall notify ~~the registrar of-~~ 3898  
~~motor vehicles and~~ the juvenile judge of the county in which the 3899  
district is located of the withdrawal and failure to enroll in 3900  
and attend an approved program to obtain a diploma or its 3901  
equivalent. A notification to ~~the registrar required by this-~~ 3902  
~~division shall be given in the manner the registrar by rule-~~ 3903  
~~requires and a notification to the juvenile judge required by~~ 3904  
this division shall be given in writing. Each notification shall 3905  
be given within two weeks after the withdrawal and failure to 3906  
enroll in and attend an approved program or its equivalent. 3907

(2) The board of education of a school district may adopt 3908  
a resolution providing that the provisions of division (B) (2) of 3909  
this section apply within the district. The provisions of 3910  
division (B) (2) of this section do not apply within any school 3911  
district, and no superintendent of a school district shall send 3912  
a notification of the type described in division (B) (2) of this 3913  
section to ~~the registrar of motor vehicles or~~ the juvenile judge 3914  
of the county in which the district is located, unless the board 3915  
of education of the district has adopted such a resolution. If 3916  
the board of education of a school district adopts a resolution 3917  
providing that the provisions of division (B) (2) of this section 3918  
apply within the district, and if the superintendent of schools 3919  
of that district receives information that, during any semester 3920  
or term, a child of compulsory school age has been absent 3921  
without legitimate excuse from the school the child is supposed 3922  
to attend for more than sixty consecutive hours in a single 3923  
month or for at least ninety hours in a school year, the 3924  
superintendent shall notify the child and the child's parent, 3925  
guardian, or custodian, in writing, that the information has 3926  
been provided to the superintendent, that as a result of that 3927  
information ~~the child's temporary instruction permit or driver's-~~ 3928

~~license will be suspended or the opportunity to obtain such a~~ 3929  
~~permit or license will be denied, and that~~ the child and the 3930  
child's parent, guardian, or custodian may participate in a 3931  
hearing at a scheduled date, time, and place conducted by the 3932  
superintendent or a designee to challenge the information 3933  
provided to the superintendent. The hearing may be conducted by 3934  
electronic means if requested by the child's parent, guardian, 3935  
or custodian. 3936

The notification to the child and the child's parent, 3937  
guardian, or custodian required by division (B) (2) of this 3938  
section shall set forth the information received by the 3939  
superintendent and shall inform the child and the child's 3940  
parent, guardian, or custodian of the scheduled date, time, and 3941  
participation method of the hearing before the superintendent or 3942  
a designee. The date scheduled for the hearing shall be no 3943  
earlier than three and no later than five days after the 3944  
notification is given, provided that an extension may be granted 3945  
upon request of the child or the child's parent, guardian, or 3946  
custodian. If an extension is granted, the superintendent shall 3947  
schedule a new date, time, and method for the hearing and shall 3948  
inform the child and the child's parent, guardian, or custodian 3949  
of the new date, time, and method. 3950

If the child and the child's parent, guardian, or 3951  
custodian do not appear before the superintendent or a designee 3952  
on the scheduled date and for the scheduled hearing, or if the 3953  
child and the child's parent, guardian, or custodian appear 3954  
before the superintendent or a designee on the scheduled date 3955  
and at the scheduled time but the superintendent or a designee 3956  
determines that the information the superintendent received 3957  
indicating that, during the semester or term, the child had been 3958  
absent without legitimate excuse from the school the child was 3959

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

For purposes of division (B) (2) of this section, a 3975  
legitimate excuse for absence from school includes, but is not 3976  
limited to, the fact that the child in question has enrolled in 3977  
another school or school district in this or another state, the 3978  
fact that the child in question was excused from attendance for 3979  
any of the reasons specified in section 3321.04 or exempt under 3980  
section 3321.042 of the Revised Code, or the fact that the child 3981  
in question has received an age and schooling certificate in 3982  
accordance with section 3331.01 of the Revised Code. 3983

(3) Whenever a pupil is suspended or expelled from school 3984  
pursuant to section 3313.66 of the Revised Code and the reason 3985  
for the suspension or expulsion is the use or possession of 3986  
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 3987  
superintendent of schools of that district may notify ~~the~~ 3988  
~~registrar and~~ the juvenile judge of the county in which the 3989  
district is located of such suspension or expulsion. Any such 3990

notification of suspension or expulsion shall be given to ~~the~~ 3991  
~~registrar, in the manner the registrar by rule requires and~~ 3992  
~~shall be given to~~ the juvenile judge in writing. The 3993  
notifications shall be given within two weeks after the 3994  
suspension or expulsion. 3995

(4) Whenever a pupil is suspended, expelled, removed, or 3996  
permanently excluded from a school for misconduct included in a 3997  
policy that the board of education of a city, exempted village, 3998  
or local school district has adopted under division (A) of 3999  
section 3313.661 of the Revised Code, and the misconduct 4000  
involves a firearm or a knife or other weapon as defined in that 4001  
policy, the superintendent of schools of that district shall 4002  
notify ~~the registrar and~~ the juvenile judge of the county in 4003  
which the district is located of the suspension, expulsion, 4004  
removal, or permanent exclusion. The notification shall be given 4005  
to ~~the registrar in the manner the registrar, by rule, requires~~ 4006  
~~and shall be given to~~ the juvenile judge in writing. The 4007  
notifications shall be given within two weeks after the 4008  
suspension, expulsion, removal, or permanent exclusion. 4009

(C) A notification of withdrawal, habitual absence without 4010  
legitimate excuse, suspension, or expulsion given to ~~the~~ 4011  
~~registrar or~~ a juvenile judge under division (B) (1), (2), (3), 4012  
or (4) of this section shall contain the name, address, date of 4013  
birth, school, and school district of the child. If the 4014  
superintendent finds, after giving a notification of withdrawal, 4015  
habitual absence without legitimate excuse, suspension, or 4016  
expulsion to ~~the registrar and~~ the juvenile judge under division 4017  
(B) (1), (2), (3), or (4) of this section, that the notification 4018  
was given in error, the superintendent immediately shall notify 4019  
~~the registrar and~~ the juvenile judge of that fact. 4020



**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 4021  
school year, the board of education of each city, exempted 4022  
village, local, joint vocational, and cooperative education 4023  
school district and the governing board of each educational 4024  
service center shall adopt a new or amended policy to guide 4025  
employees of the school district or service center in addressing 4026  
and ameliorating student absences. In developing the policy, the 4027  
appropriate board shall consult with the judge of the juvenile 4028  
court of the county or counties in which the district or service 4029  
center is located, with the parents, guardians, or other persons 4030  
having care of the pupils attending school in the district, and 4031  
with appropriate state and local agencies. 4032

(B) The policy developed under division (A) of this 4033  
section shall include as an intervention strategy all of the 4034  
following actions, if applicable: 4035

(1) Providing a truancy intervention plan for any student 4036  
who is excessively absent from school, as described in the first 4037  
paragraph of division (C) of this section; 4038

(2) Providing counseling for an habitual truant; 4039

(3) Requesting or requiring a parent, guardian, or other 4040  
person having care of an habitual truant to attend parental 4041  
involvement programs, including programs adopted under section 4042  
3313.472 or 3313.663 of the Revised Code; 4043

(4) Requesting or requiring a parent, guardian, or other 4044  
person having care of an habitual truant to attend truancy 4045  
prevention mediation programs; 4046

~~(5) Notification of the registrar of motor vehicles under 4047  
section 3321.13 of the Revised Code;~~ 4048

~~(6) Taking legal action under section 2919.222, 3321.20,~~ 4049

or 3321.38 of the Revised Code. 4050

(C) (1) In the event that a child of compulsory school age 4051  
is absent with a nonmedical excuse or without legitimate excuse 4052  
from the public school the child is supposed to attend for 4053  
thirty-eight or more hours in one school month, or sixty-five or 4054  
more hours in a school year, the attendance officer of that 4055  
school shall notify the child's parent, guardian, or custodian 4056  
of the child's absences, in writing, within seven days after the 4057  
date after the absence that triggered the notice requirement. At 4058  
the time notice is given, the school also may take any 4059  
appropriate action as an intervention strategy contained in the 4060  
policy developed by the board pursuant to division (A) of this 4061  
section. 4062

(2) (a) If the absences of a student surpass the threshold 4063  
for an habitual truant as set forth in section 2151.011 of the 4064  
Revised Code, the principal or chief administrator of the school 4065  
or the superintendent of the school district shall assign the 4066  
student to an absence intervention team. Within fourteen school 4067  
days after the assignment of a student to an absence 4068  
intervention team, the team shall develop an intervention plan 4069  
for that student in an effort to reduce or eliminate further 4070  
absences. Each intervention plan shall vary based on the 4071  
individual needs of the student, but the plan shall state that 4072  
the attendance officer shall file a complaint not later than 4073  
sixty-one days after the date the plan was implemented, if the 4074  
child has refused to participate in, or failed to make 4075  
satisfactory progress on, the intervention plan or an 4076  
alternative to adjudication under division (C) (2) (b) of section 4077  
3321.191 of the Revised Code. Within seven days after the 4078  
development of the plan, the school district or school shall 4079  
make reasonable efforts to provide the student's parent, 4080

guardian, custodian, guardian ad litem, or temporary custodian 4081  
with written notice of the plan. 4082

(b) As part of the absence intervention plan described in 4083  
division (C) (2) of this section, the school district or school, 4084  
in its discretion, may contact the appropriate juvenile court 4085  
and ask to have a student informally enrolled in any alternative 4086  
to adjudication described in division (G) of section 2151.27 of 4087  
the Revised Code. If the school district or school chooses to 4088  
have students informally enrolled in an alternative to 4089  
adjudication, the school district or school shall develop a 4090  
written policy regarding the use of, and selection process for, 4091  
offering alternatives to adjudication to ensure fairness. 4092

(c) The superintendent of each school district, or the 4093  
superintendent's designee, shall establish an absence 4094  
intervention team for the district to be used by any schools of 4095  
the district that do not establish their own absence 4096  
intervention team as permitted under division (C) (2) (d) of this 4097  
section. Membership of each absence intervention team may vary 4098  
based on the needs of each individual student but shall include 4099  
a representative from the child's school district or school, 4100  
another representative from the child's school district or 4101  
school who knows the child, and the child's parent or parent's 4102  
designee, or the child's guardian, custodian, guardian ad litem, 4103  
or temporary custodian. The team also may include a school 4104  
psychologist, counselor, social worker, or representative of a 4105  
public or nonprofit agency designed to assist students and their 4106  
families in reducing absences. 4107

(d) The principal or chief administrator of each school 4108  
may establish an absence intervention team or series of teams to 4109  
be used in lieu of the district team established pursuant to 4110

division (C) (2) (c) of this section. Membership of each absence 4111  
intervention team may vary based on the needs of each individual 4112  
student but shall include a representative from the child's 4113  
school district or school, another representative from the 4114  
child's school district or school who knows the child, and the 4115  
child's parent or parent's designee, or the child's guardian, 4116  
custodian, guardian ad litem, or temporary custodian. The team 4117  
also may include a school psychologist, counselor, social 4118  
worker, or representative of a public or nonprofit agency 4119  
designed to assist students and their families in reducing 4120  
absences. 4121

(e) A superintendent, as described in division (C) (2) (c) 4122  
of this section, or principal or chief administrator, as 4123  
described in division (C) (2) (d) of this section, shall select 4124  
the members of an absence intervention team within seven school 4125  
days of the triggering event described in division (C) (2) (a) of 4126  
this section. The superintendent, principal, or chief 4127  
administrator, within the same period of seven school days, 4128  
shall make at least three meaningful, good faith attempts to 4129  
secure the participation of the student's parent, guardian, 4130  
custodian, guardian ad litem, or temporary custodian on that 4131  
team. If the student's parent responds to any of those attempts, 4132  
but is unable to participate for any reason, the representative 4133  
of the school district shall inform the parent of the parent's 4134  
right to appear by designee. If seven school days elapse and the 4135  
student's parent, guardian, custodian, guardian ad litem, or 4136  
temporary custodian fails to respond to the attempts to secure 4137  
participation, the school district or school shall do both of 4138  
the following: 4139

(i) Investigate whether the failure to respond triggers 4140  
mandatory reporting to the public children services agency for 4141

the county in which the child resides in the manner described in 4142  
section 2151.421 of the Revised Code; 4143

(ii) Instruct the absence intervention team to develop an 4144  
intervention plan for the child notwithstanding the absence of 4145  
the child's parent, guardian, custodian, guardian ad litem, or 4146  
temporary custodian. 4147

(f) In the event that a student becomes habitually truant 4148  
within twenty-one school days prior to the last day of 4149  
instruction of a school year, the school district or school may, 4150  
in its discretion, assign one school official to work with the 4151  
child's parent, guardian, custodian, guardian ad litem, or 4152  
temporary custodian to develop an absence intervention plan 4153  
during the summer. If the school district or school selects this 4154  
method, the plan shall be implemented not later than seven days 4155  
prior to the first day of instruction of the next school year. 4156  
In the alternative, the school district or school may toll the 4157  
time periods to accommodate for the summer months and reconvene 4158  
the absence intervention process upon the first day of 4159  
instruction of the next school year. 4160

(3) For purposes of divisions (C) (2) (c) and (d) of this 4161  
section, the department of education and workforce shall develop 4162  
a format for parental permission to ensure compliance with the 4163  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 4164  
571, 20 U.S.C. 1232g, as amended, and any regulations 4165  
promulgated under that act, and section 3319.321 of the Revised 4166  
Code. 4167

(D) Each school district or school may consult or partner 4168  
with public and nonprofit agencies to provide assistance as 4169  
appropriate to students and their families in reducing absences. 4170

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

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

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

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

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

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

**Sec. 4501.06.** The taxes, fees, and fines levied, charged, or referred to in Chapters 4501., 4503., 4504., 4505., 4506., 4507., 4509., 4510., 4511., 4517., 4519., and 4521., division (A) of section 4508.06, and sections 2935.27, ~~2937.221,~~ 3123.59,

4508.05, 4513.53, 4738.06, 4738.13, and 5502.12 of the Revised Code, unless otherwise designated by law, shall be deposited in the state treasury to the credit of the public safety - highway purposes fund, which is hereby created. Money credited to the fund shall be used for the purpose of enforcing and paying the expenses of administering the laws relative to the registration and operation of motor vehicles on the public roads or highways and to the powers and duties of the registrar of motor vehicles. Amounts credited to the fund may also be used to pay the expenses of administering and enforcing the laws under which such fees were collected. All investment earnings of the public safety - highway purposes fund shall be credited to the fund.

**Sec. 4503.10.** (A) The owner of every snowmobile, off-highway motorcycle, and all-purpose vehicle required to be registered under section 4519.02 of the Revised Code shall file an application for registration under section 4519.03 of the Revised Code. The owner of a motor vehicle, other than a snowmobile, off-highway motorcycle, or all-purpose vehicle, that is not designed and constructed by the manufacturer for operation on a street or highway may not register it under this chapter except upon certification of inspection pursuant to section 4513.02 of the Revised Code by the sheriff, or the chief of police of the municipal corporation or township, with jurisdiction over the political subdivision in which the owner of the motor vehicle resides. Except as provided in sections 4503.103 and 4503.107 of the Revised Code, every owner of every other motor vehicle not previously described in this section and every person mentioned as owner in the last certificate of title of a motor vehicle that is operated or driven upon the public roads or highways shall cause to be filed each year, by mail or otherwise, in the office of the registrar of motor vehicles or a

deputy registrar, a written or electronic application or a 4231  
preprinted registration renewal notice issued under section 4232  
4503.102 of the Revised Code, the form of which shall be 4233  
prescribed by the registrar, for registration for the following 4234  
registration year, which shall begin on the first day of January 4235  
of every calendar year and end on the thirty-first day of 4236  
December in the same year. Applications for registration and 4237  
registration renewal notices shall be filed at the times 4238  
established by the registrar pursuant to section 4503.101 of the 4239  
Revised Code. A motor vehicle owner also may elect to apply for 4240  
or renew a motor vehicle registration by electronic means using 4241  
electronic signature in accordance with rules adopted by the 4242  
registrar. Except as provided in division (J) of this section, 4243  
applications for registration shall be made on blanks furnished 4244  
by the registrar for that purpose, containing the following 4245  
information: 4246

(1) A brief description of the motor vehicle to be 4247  
registered, including the year, make, model, and vehicle 4248  
identification number, and, in the case of commercial cars, the 4249  
gross weight of the vehicle fully equipped computed in the 4250  
manner prescribed in section 4503.08 of the Revised Code; 4251

(2) The name and residence address of the owner, and the 4252  
township and municipal corporation in which the owner resides; 4253

(3) The district of registration, which shall be 4254  
determined as follows: 4255

(a) In case the motor vehicle to be registered is used for 4256  
hire or principally in connection with any established business 4257  
or branch business, conducted at a particular place, the 4258  
district of registration is the municipal corporation in which 4259  
that place is located or, if not located in any municipal 4260



corporation, the county and township in which that place is 4261  
located. 4262

(b) In case the vehicle is not so used, the district of 4263  
registration is the municipal corporation or county in which the 4264  
owner resides at the time of making the application. 4265

(4) Whether the motor vehicle is a new or used motor 4266  
vehicle; 4267

(5) The date of purchase of the motor vehicle; 4268

(6) Whether the fees required to be paid for the 4269  
registration or transfer of the motor vehicle, during the 4270  
preceding registration year and during the preceding period of 4271  
the current registration year, have been paid. Each application 4272  
for registration shall be signed by the owner, either manually 4273  
or by electronic signature, or pursuant to obtaining a limited 4274  
power of attorney authorized by the registrar for registration, 4275  
or other document authorizing such signature. If the owner 4276  
elects to apply for or renew the motor vehicle registration with 4277  
the registrar by electronic means, the owner's manual signature 4278  
is not required. 4279

(7) The owner's social security number, driver's license 4280  
number, or state identification number, or, where a motor 4281  
vehicle to be registered is used for hire or principally in 4282  
connection with any established business, the owner's federal 4283  
taxpayer identification number. The bureau of motor vehicles 4284  
shall retain in its records all social security numbers provided 4285  
under this section, but the bureau shall not place social 4286  
security numbers on motor vehicle certificates of registration. 4287

(8) Whether the applicant wishes to certify willingness to 4288  
make an anatomical gift if an applicant has not so certified 4289

under section 2108.05 of the Revised Code. The applicant's 4290  
response shall not be considered in the decision of whether to 4291  
approve the application for registration. 4292

(B) (1) When an applicant first registers a motor vehicle 4293  
in the applicant's name, the applicant shall provide proof of 4294  
ownership of that motor vehicle. Proof of ownership may include 4295  
any of the following: 4296

(a) The applicant may present for inspection a physical 4297  
certificate of title or memorandum certificate showing title to 4298  
the motor vehicle to be registered in the name of the applicant. 4299

(b) The applicant may present for inspection an electronic 4300  
certificate of title for the applicant's motor vehicle in a 4301  
manner prescribed by rules adopted by the registrar. 4302

(c) The registrar or deputy registrar may electronically 4303  
confirm the applicant's ownership of the motor vehicle. 4304

An applicant is not required to present a certificate of 4305  
title to an electronic motor vehicle dealer acting as a limited 4306  
authority deputy registrar in accordance with rules adopted by 4307  
the registrar. 4308

(2) When a motor vehicle inspection and maintenance 4309  
program is in effect under section 3704.14 of the Revised Code 4310  
and rules adopted under it, each application for registration 4311  
for a vehicle required to be inspected under that section and 4312  
those rules shall be accompanied by an inspection certificate 4313  
for the motor vehicle issued in accordance with that section. 4314

(3) An application for registration shall be refused if 4315  
any of the following applies: 4316

(a) The application is not in proper form. 4317

(b) The application is prohibited from being accepted by 4318  
division (D) of section 2935.27, ~~division (A) of section~~ 4319  
~~2937.221,~~ division (A) of section 4503.13, division (B) of 4320  
section 4510.22, division (D) of section 4503.234, division (B) 4321  
(1) of section 4521.10, or division (B) of section 5537.041 of 4322  
the Revised Code. 4323

(c) Proof of ownership is required but is not presented or 4324  
confirmed in accordance with division (B) (1) of this section. 4325

(d) All registration and transfer fees for the motor 4326  
vehicle, for the preceding year or the preceding period of the 4327  
current registration year, have not been paid. 4328

(e) The owner or lessee does not have an inspection 4329  
certificate for the motor vehicle as provided in section 3704.14 4330  
of the Revised Code, and rules adopted under it, if that section 4331  
is applicable. 4332

(4) This section does not require the payment of license 4333  
or registration taxes on a motor vehicle for any preceding year, 4334  
or for any preceding period of a year, if the motor vehicle was 4335  
not taxable for that preceding year or period under sections 4336  
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 4337  
of the Revised Code. 4338

(5) When a certificate of registration is issued upon the 4339  
first registration of a motor vehicle by or on behalf of the 4340  
owner, the official issuing the certificate shall indicate the 4341  
issuance with a stamp on the certificate of title or memorandum 4342  
certificate or, in the case of an electronic certificate of 4343  
title or electronic verification of ownership, an electronic 4344  
stamp or other notation as specified in rules adopted by the 4345  
registrar, and with a stamp on the inspection certificate for 4346

the motor vehicle, if any. 4347

(6) The official also shall indicate, by a stamp or by 4348  
other means the registrar prescribes, on the registration 4349  
certificate issued upon the first registration of a motor 4350  
vehicle by or on behalf of the owner the odometer reading of the 4351  
motor vehicle as shown in the odometer statement included in or 4352  
attached to the certificate of title. Upon each subsequent 4353  
registration of the motor vehicle by or on behalf of the same 4354  
owner, the official also shall so indicate the odometer reading 4355  
of the motor vehicle as shown on the immediately preceding 4356  
certificate of registration. 4357

(7) The registrar shall include in the permanent 4358  
registration record of any vehicle required to be inspected 4359  
under section 3704.14 of the Revised Code the inspection 4360  
certificate number from the inspection certificate that is 4361  
presented at the time of registration of the vehicle as required 4362  
under this division. 4363

(C) (1) Except as otherwise provided in division (C) (1) of 4364  
this section, the registrar and each deputy registrar shall 4365  
collect an additional fee of eleven dollars for each application 4366  
for registration and registration renewal received. For vehicles 4367  
specified in divisions (A) (1) to (21) of section 4503.042 of the 4368  
Revised Code, the registrar and deputy registrar shall collect 4369  
an additional fee of thirty dollars for each application for 4370  
registration and registration renewal received. No additional 4371  
fee shall be charged for vehicles registered under section 4372  
4503.65 of the Revised Code. The additional fee is for the 4373  
purpose of defraying the department of public safety's costs 4374  
associated with the administration and enforcement of the motor 4375  
vehicle and traffic laws of Ohio. Each deputy registrar shall 4376

transmit the fees collected under divisions (C) (1) and (3) of 4377  
this section in the time and manner provided in this section. 4378  
The registrar shall deposit all moneys received under division 4379  
(C) (1) of this section into the public safety - highway purposes 4380  
fund established in section 4501.06 of the Revised Code. 4381

(2) In addition, a charge of twenty-five cents shall be 4382  
made for each reflectorized safety license plate issued, and a 4383  
single charge of twenty-five cents shall be made for each county 4384  
identification sticker or each set of county identification 4385  
stickers issued, as the case may be, to cover the cost of 4386  
producing the license plates and stickers, including material, 4387  
manufacturing, and administrative costs. Those fees shall be in 4388  
addition to the license tax. If the total cost of producing the 4389  
plates is less than twenty-five cents per plate, or if the total 4390  
cost of producing the stickers is less than twenty-five cents 4391  
per sticker or per set issued, any excess moneys accruing from 4392  
the fees shall be distributed in the same manner as provided by 4393  
section 4501.04 of the Revised Code for the distribution of 4394  
license tax moneys. If the total cost of producing the plates 4395  
exceeds twenty-five cents per plate, or if the total cost of 4396  
producing the stickers exceeds twenty-five cents per sticker or 4397  
per set issued, the difference shall be paid from the license 4398  
tax moneys collected pursuant to section 4503.02 of the Revised 4399  
Code. 4400

(3) The registrar and each deputy registrar shall collect 4401  
the following additional fee, as applicable, for each 4402  
application for registration or registration renewal received 4403  
for any hybrid motor vehicle, plug-in hybrid electric motor 4404  
vehicle, or battery electric motor vehicle: 4405

(a) One hundred dollars for a hybrid motor vehicle; 4406

(b) One hundred fifty dollars for a plug-in hybrid 4407  
electric motor vehicle; 4408

(c) Two hundred dollars for a battery electric motor 4409  
vehicle. 4410

Each fee imposed under this division shall be prorated 4411  
based on the number of months for which the vehicle is 4412  
registered. The registrar shall transmit all money arising from 4413  
each fee to the treasurer of state for distribution in 4414  
accordance with division (E) of section 5735.051 of the Revised 4415  
Code, subject to division (D) of section 5735.05 of the Revised 4416  
Code. 4417

(D) Each deputy registrar shall be allowed a fee equal to 4418  
the amount established under section 4503.038 of the Revised 4419  
Code for each application for registration and registration 4420  
renewal notice the deputy registrar receives, which shall be for 4421  
the purpose of compensating the deputy registrar for the deputy 4422  
registrar's services, and such office and rental expenses, as 4423  
may be necessary for the proper discharge of the deputy 4424  
registrar's duties in the receiving of applications and renewal 4425  
notices and the issuing of registrations. 4426

(E) Upon the certification of the registrar, the county 4427  
sheriff or local police officials shall recover license plates 4428  
erroneously or fraudulently issued. 4429

(F) Each deputy registrar, upon receipt of any application 4430  
for registration or registration renewal notice, together with 4431  
the license fee and any local motor vehicle license tax levied 4432  
pursuant to Chapter 4504. of the Revised Code, shall transmit 4433  
that fee and tax, if any, in the manner provided in this 4434  
section, together with the original and duplicate copy of the 4435

application, to the registrar. The registrar, subject to the 4436  
approval of the director of public safety, may deposit the funds 4437  
collected by those deputies in a local bank or depository to the 4438  
credit of the "state of Ohio, bureau of motor vehicles." Where a 4439  
local bank or depository has been designated by the registrar, 4440  
each deputy registrar shall deposit all moneys collected by the 4441  
deputy registrar into that bank or depository not more than one 4442  
business day after their collection and shall make reports to 4443  
the registrar of the amounts so deposited, together with any 4444  
other information, some of which may be prescribed by the 4445  
treasurer of state, as the registrar may require and as 4446  
prescribed by the registrar by rule. The registrar, within three 4447  
days after receipt of notification of the deposit of funds by a 4448  
deputy registrar in a local bank or depository, shall draw on 4449  
that account in favor of the treasurer of state. The registrar, 4450  
subject to the approval of the director and the treasurer of 4451  
state, may make reasonable rules necessary for the prompt 4452  
transmittal of fees and for safeguarding the interests of the 4453  
state and of counties, townships, municipal corporations, and 4454  
transportation improvement districts levying local motor vehicle 4455  
license taxes. The registrar may pay service charges usually 4456  
collected by banks and depositories for such service. If deputy 4457  
registrars are located in communities where banking facilities 4458  
are not available, they shall transmit the fees forthwith, by 4459  
money order or otherwise, as the registrar, by rule approved by 4460  
the director and the treasurer of state, may prescribe. The 4461  
registrar may pay the usual and customary fees for such service. 4462

(G) This section does not prevent any person from making 4463  
an application for a motor vehicle license directly to the 4464  
registrar by mail, by electronic means, or in person at any of 4465  
the registrar's offices, upon payment of a service fee equal to 4466

the amount established under section 4503.038 of the Revised Code for each application. 4467  
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(H) No person shall make a false statement as to the district of registration in an application required by division (A) of this section. Violation of this division is falsification under section 2921.13 of the Revised Code and punishable as specified in that section. 4469  
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(I)(1) Where applicable, the requirements of division (B) of this section relating to the presentation of an inspection certificate issued under section 3704.14 of the Revised Code and rules adopted under it for a motor vehicle, the refusal of a license for failure to present an inspection certificate, and the stamping of the inspection certificate by the official issuing the certificate of registration apply to the registration of and issuance of license plates for a motor vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised Code. 4474  
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(2)(a) The registrar shall adopt rules ensuring that each owner registering a motor vehicle in a county where a motor vehicle inspection and maintenance program is in effect under section 3704.14 of the Revised Code and rules adopted under it receives information about the requirements established in that section and those rules and about the need in those counties to present an inspection certificate with an application for registration or preregistration. 4486  
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(b) Upon request, the registrar shall provide the director of environmental protection, or any person that has been awarded a contract under section 3704.14 of the Revised Code, an on-line 4494  
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computer data link to registration information for all passenger 4497  
cars, noncommercial motor vehicles, and commercial cars that are 4498  
subject to that section. The registrar also shall provide to the 4499  
director of environmental protection a magnetic data tape 4500  
containing registration information regarding passenger cars, 4501  
noncommercial motor vehicles, and commercial cars for which a 4502  
multi-year registration is in effect under section 4503.103 of 4503  
the Revised Code or rules adopted under it, including, without 4504  
limitation, the date of issuance of the multi-year registration, 4505  
the registration deadline established under rules adopted under 4506  
section 4503.101 of the Revised Code that was applicable in the 4507  
year in which the multi-year registration was issued, and the 4508  
registration deadline for renewal of the multi-year 4509  
registration. 4510

(J) Subject to division (K) of this section, application 4511  
for registration under the international registration plan, as 4512  
set forth in sections 4503.60 to 4503.66 of the Revised Code, 4513  
shall be made to the registrar on forms furnished by the 4514  
registrar. In accordance with international registration plan 4515  
guidelines and pursuant to rules adopted by the registrar, the 4516  
forms shall include the following: 4517

(1) A uniform mileage schedule; 4518

(2) The gross vehicle weight of the vehicle or combined 4519  
gross vehicle weight of the combination vehicle as declared by 4520  
the registrant; 4521

(3) Any other information the registrar requires by rule. 4522

(K) The registrar shall determine the feasibility of 4523  
implementing an electronic commercial fleet licensing and 4524  
management program that will enable the owners of commercial 4525

tractors, commercial trailers, and commercial semitrailers to 4526  
conduct electronic transactions by July 1, 2010, or sooner. If 4527  
the registrar determines that implementing such a program is 4528  
feasible, the registrar shall adopt new rules under this 4529  
division or amend existing rules adopted under this division as 4530  
necessary in order to respond to advances in technology. 4531

If international registration plan guidelines and 4532  
provisions allow member jurisdictions to permit applications for 4533  
registrations under the international registration plan to be 4534  
made via the internet, the rules the registrar adopts under this 4535  
division shall permit such action. 4536

**Sec. 4503.102.** (A) The registrar of motor vehicles shall 4537  
adopt rules to establish a centralized system of motor vehicle 4538  
registration renewal by mail or by electronic means. Any person 4539  
owning a motor vehicle that was registered in the person's name 4540  
during the preceding registration year shall renew the 4541  
registration of the motor vehicle not more than ninety days 4542  
prior to the expiration date of the registration either by mail 4543  
or by electronic means through the centralized system of 4544  
registration established under this section, or in person at any 4545  
office of the registrar or at a deputy registrar's office. 4546

(B) (1) Except as provided in division (B) (2) of this 4547  
section, no less than forty-five days prior to the expiration 4548  
date of any motor vehicle registration, the registrar shall mail 4549  
a renewal notice to the person in whose name the motor vehicle 4550  
is registered. The renewal notice shall clearly state that the 4551  
registration of the motor vehicle may be renewed by mail or 4552  
electronic means through the centralized system of registration 4553  
or in person at any office of the registrar or at a deputy 4554  
registrar's office and shall be preprinted with information 4555

including, but not limited to, the owner's name and residence 4556  
address as shown in the records of the bureau of motor vehicles, 4557  
a brief description of the motor vehicle to be registered, 4558  
notice of the license taxes and fees due on the motor vehicle, 4559  
the toll-free telephone number of the registrar as required 4560  
under division (D) (1) of section 4503.031 of the Revised Code, a 4561  
statement that payment for a renewal may be made by financial 4562  
transaction device using the toll-free telephone number, and any 4563  
additional information the registrar may require by rule. The 4564  
renewal notice shall not include the social security number of 4565  
either the owner of the motor vehicle or the person in whose 4566  
name the motor vehicle is registered. The renewal notice shall 4567  
be sent by regular mail to the owner's last known address as 4568  
shown in the records of the bureau of motor vehicles. 4569

(2) The registrar is not required to mail a renewal notice 4570  
if either of the following applies: 4571

(a) The owner of the vehicle has consented to receiving 4572  
the renewal notice by electronic means only. 4573

(b) The application for renewal of the registration of a 4574  
motor vehicle is prohibited from being accepted by the registrar 4575  
or a deputy registrar by division (D) of section 2935.27, 4576  
~~division (A) of section 2937.221,~~ division (A) of section 4577  
4503.13, division (B) of section 4510.22, ~~or~~ division (D) of 4578  
section 4503.234, division (B) (1) of section 4521.10, or 4579  
division (B) of section 5537.041 -of the Revised Code. 4580

(3) If the owner of a motor vehicle has consented to 4581  
receiving a renewal notice by electronic means only, the 4582  
registrar shall send an electronic renewal notice to the owner 4583  
that contains the information specified in division (B) (1) of 4584  
this section at the time specified under that division. 4585

(C) The owner of the motor vehicle shall verify the 4586  
information contained in the notice, sign it either manually or 4587  
by electronic means, and return it, either by mail or electronic 4588  
means, or the owner may take it in person to any office of the 4589  
registrar or of a deputy registrar. The owner shall include with 4590  
the notice a financial transaction device number when renewing 4591  
in person or by electronic means but not by mail, check, or 4592  
money order in the amount of the registration taxes and fees 4593  
payable on the motor vehicle and a service fee equal to the 4594  
amount established under section 4503.038 of the Revised Code, 4595  
plus postage as indicated on the notice if the registration is 4596  
renewed or fulfilled by mail, and an inspection certificate for 4597  
the motor vehicle as provided in section 3704.14 of the Revised 4598  
Code. For purposes of the centralized system of motor vehicle 4599  
registration, the registrar shall accept payments via the toll- 4600  
free telephone number established under division (D) (1) of 4601  
section 4503.031 of the Revised Code for renewals made by mail. 4602  
If the motor vehicle owner chooses to renew the motor vehicle 4603  
registration by electronic means, the owner shall proceed in 4604  
accordance with the rules the registrar adopts. 4605

(D) If all registration and transfer fees for the motor 4606  
vehicle for the preceding year or the preceding period of the 4607  
current registration year have not been paid, if division (D) of 4608  
section 2935.27, ~~division (A) of section 2937.221,~~ division (A) 4609  
of section 4503.13, division (B) of section 4510.22, ~~or division~~ 4610  
(D) of section 4503.234, division (B) (1) of section 4521.10, or 4611  
division (B) of section 5537.041 of the Revised Code prohibits 4612  
acceptance of the renewal notice, or if the owner or lessee does 4613  
not have an inspection certificate for the motor vehicle as 4614  
provided in section 3704.14 of the Revised Code, if that section 4615  
is applicable, the license shall be refused, and the registrar 4616

or deputy registrar shall so notify the owner. This section does 4617  
not require the payment of license or registration taxes on a 4618  
motor vehicle for any preceding year, or for any preceding 4619  
period of a year, if the motor vehicle was not taxable for that 4620  
preceding year or period under section 4503.02, 4503.04, 4621  
4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised 4622  
Code. 4623

(E) (1) Failure to receive a renewal notice does not 4624  
relieve a motor vehicle owner from the responsibility to renew 4625  
the registration for the motor vehicle. Any person who has a 4626  
motor vehicle registered in this state and who does not receive 4627  
a renewal notice as provided in division (B) of this section 4628  
prior to the expiration date of the registration shall request 4629  
an application for registration from the registrar or a deputy 4630  
registrar and sign the application manually or by electronic 4631  
means and submit the application and pay any applicable license 4632  
taxes and fees to the registrar or deputy registrar. 4633

(2) If the owner of a motor vehicle submits an application 4634  
for registration and the registrar is prohibited by division (D) 4635  
of section 2935.27, ~~division (A) of section 2937.221,~~ division 4636  
(A) of section 4503.13, division (B) of section 4510.22, ~~or~~ 4637  
division (D) of section 4503.234, division (B) (1) of section 4638  
4521.10, or division (B) of section 5537.041 of the Revised Code 4639  
from accepting the application, the registrar shall return the 4640  
application and the payment to the owner. If the owner of a 4641  
motor vehicle submits a registration renewal application to the 4642  
registrar by electronic means and the registrar is prohibited 4643  
from accepting the application as provided in this division, the 4644  
registrar shall notify the owner of this fact and deny the 4645  
application and return the payment or give a credit on the 4646  
financial transaction device account of the owner in the manner 4647

the registrar prescribes by rule adopted pursuant to division 4648  
(A) of this section. 4649

(F) Every deputy registrar shall post in a prominent place 4650  
at the deputy's office a notice informing the public of the mail 4651  
registration system required by this section and also shall post 4652  
a notice that every owner of a motor vehicle and every chauffeur 4653  
holding a certificate of registration is required to notify the 4654  
registrar in writing of any change of residence within ten days 4655  
after the change occurs. The notice shall be in such form as the 4656  
registrar prescribes by rule. 4657

(G) The service fee equal to the amount established under 4658  
section 4503.038 of the Revised Code that is collected from a 4659  
person who renews a motor vehicle registration by electronic 4660  
means or by mail, plus postage collected by the registrar and 4661  
any financial transaction device surcharge collected by the 4662  
registrar, shall be paid to the credit of the public safety - 4663  
highway purposes fund established by section 4501.06 of the 4664  
Revised Code. 4665

(H) (1) Pursuant to section 113.40 of the Revised Code, the 4666  
registrar shall implement a program permitting payment of motor 4667  
vehicle registration taxes and fees, driver's license and 4668  
commercial driver's license fees, and any other taxes, fees, 4669  
penalties, or charges imposed or levied by the state by means of 4670  
a financial transaction device for transactions occurring 4671  
online, at any office of the registrar, and at all deputy 4672  
registrar locations. The program shall take effect not later 4673  
than July 1, 2016. The registrar shall adopt rules as necessary 4674  
for this purpose, but all such rules are subject to any action, 4675  
policy, or procedure of the board of deposit or treasurer of 4676  
state taken or adopted under section 113.40 of the Revised Code. 4677

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

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

(3) In accordance with division (H) (1) of this section and rules adopted by the registrar under that division, a county auditor or clerk of a court of common pleas that is designated a deputy registrar shall accept payment by means of a financial transaction device, including credit cards and debit cards, for all department transactions conducted at the office of the county auditor or clerk in the county auditor's or clerk's capacity as deputy registrar. The bureau is not required to pay any costs incurred by a county auditor or clerk that result from accepting payment by means of a financial transaction device for

any department transaction. 4709

(I) For persons who reside in counties where tailpipe 4710  
emissions inspections are required under the motor vehicle 4711  
inspection and maintenance program, the notice required by 4712  
division (B) of this section shall also include the toll-free 4713  
telephone number maintained by the Ohio environmental protection 4714  
agency to provide information concerning the locations of 4715  
emissions testing centers. The registrar also shall include a 4716  
statement in the notice that a battery electric motor vehicle is 4717  
not required to undergo emissions inspection under the motor 4718  
vehicle inspection and maintenance program established under 4719  
section 3704.14 of the Revised Code. 4720

**Sec. 4503.12.** (A) Upon the transfer of ownership of a 4721  
motor vehicle, the registration of the motor vehicle expires, 4722  
and the original owner immediately shall remove the license 4723  
plates from the motor vehicle, except that: 4724

(1) If a statutory merger or consolidation results in the 4725  
transfer of ownership of a motor vehicle from a constituent 4726  
corporation to the surviving corporation, or if the 4727  
incorporation of a proprietorship or partnership results in the 4728  
transfer of ownership of a motor vehicle from the proprietorship 4729  
or partnership to the corporation, the registration shall be 4730  
continued upon the filing by the surviving or new corporation, 4731  
within thirty days of such transfer, of an application for an 4732  
amended certificate of registration. Upon a proper filing, the 4733  
registrar of motor vehicles shall issue an amended certificate 4734  
of registration in the name of the new owner. 4735

(2) If the death of the owner of a motor vehicle results 4736  
in the transfer of ownership of the motor vehicle to the 4737  
surviving spouse of the owner or if a motor vehicle is owned by 4738



two persons under joint ownership with right of survivorship 4739  
established under section 2131.12 of the Revised Code and one of 4740  
those persons dies, the registration shall be continued upon the 4741  
filing by the survivor of an application for an amended 4742  
certificate of registration. In relation to a motor vehicle that 4743  
is owned by two persons under joint ownership with right of 4744  
survivorship established under section 2131.12 of the Revised 4745  
Code, the application shall be accompanied by a copy of the 4746  
certificate of title that specifies that the vehicle is owned 4747  
under joint ownership with right of survivorship. Upon a proper 4748  
filing, the registrar shall issue an amended certificate of 4749  
registration in the name of the survivor. 4750

(3) If the death of the owner of a motor vehicle results 4751  
in the transfer of ownership of the motor vehicle to a transfer- 4752  
on-death beneficiary or beneficiaries designated under section 4753  
2131.13 of the Revised Code, the registration shall be continued 4754  
upon the filing by the transfer-on-death beneficiary or 4755  
beneficiaries of an application for an amended certificate of 4756  
registration. The application shall be accompanied by a copy of 4757  
the certificate of title that specifies that the owner of the 4758  
motor vehicle has designated the motor vehicle in beneficiary 4759  
form under section 2131.13 of the Revised Code. Upon a proper 4760  
filing, the registrar shall issue an amended certificate of 4761  
registration in the name of the transfer-on-death beneficiary or 4762  
beneficiaries. 4763

(4) If the original owner of a motor vehicle that has been 4764  
transferred makes application for the registration of another 4765  
motor vehicle at any time during the remainder of the 4766  
registration period for which the transferred motor vehicle was 4767  
registered, the owner may file an application for transfer of 4768  
the registration and, where applicable, the license plates. The 4769

transfer of the registration and, where applicable, the license 4770  
plates from the motor vehicle for which they originally were 4771  
issued to a succeeding motor vehicle purchased by the same 4772  
person in whose name the original registration and license 4773  
plates were issued shall be done within a period not to exceed 4774  
thirty days. During that thirty-day period, the license plates 4775  
from the motor vehicle for which they originally were issued may 4776  
be displayed on the succeeding motor vehicle, and the succeeding 4777  
motor vehicle may be operated on the public roads and highways 4778  
in this state. 4779

At the time of application for transfer, the registrar 4780  
shall compute and collect the amount of tax due on the 4781  
succeeding motor vehicle, based upon the amount that would be 4782  
due on a new registration as of the date on which the transfer 4783  
is made less a credit for the unused portion of the original 4784  
registration beginning on that date. If the credit exceeds the 4785  
amount of tax due on the new registration, no refund shall be 4786  
made. In computing the amount of tax due and credits to be 4787  
allowed under this division, the provisions of division (B) (1) 4788  
(a) and (b) of section 4503.11 of the Revised Code shall apply. 4789  
As to passenger cars, noncommercial vehicles, motor homes, and 4790  
motorcycles, transfers within or between these classes of motor 4791  
vehicles only shall be allowed. If the succeeding motor vehicle 4792  
is of a different class than the motor vehicle for which the 4793  
registration originally was issued, new license plates also 4794  
shall be issued upon the surrender of the license plates 4795  
originally issued and payment of the fees provided in divisions 4796  
(C) and (D) of section 4503.10 of the Revised Code. 4797

(5) The owner of a commercial car having a gross vehicle 4798  
weight or combined gross vehicle weight of more than ten 4799  
thousand pounds may transfer the registration of that commercial 4800

car to another commercial car the owner owns without 4801  
transferring ownership of the first commercial car. At any time 4802  
during the remainder of the registration period for which the 4803  
first commercial car was registered, the owner may file an 4804  
application for the transfer of the registration and, where 4805  
applicable, the license plates, accompanied by the certificate 4806  
of registration of the first commercial car. The amount of any 4807  
tax due or credit to be allowed for a transfer of registration 4808  
under this division shall be computed in accordance with 4809  
division (A) (4) of this section. 4810

No commercial car to which a registration is transferred 4811  
under this division shall be operated on a public road or 4812  
highway in this state until after the transfer of registration 4813  
is completed in accordance with this division. 4814

(6) Upon application to the registrar or a deputy 4815  
registrar, a person who owns or leases a motor vehicle may 4816  
transfer special license plates assigned to that vehicle to any 4817  
other vehicle that the person owns or leases or that is owned or 4818  
leased by the person's spouse. As appropriate, the application 4819  
also shall be accompanied by a power of attorney for the 4820  
registration of a leased vehicle and a written statement 4821  
releasing the special plates to the applicant. Upon a proper 4822  
filing, the registrar or deputy registrar shall assign the 4823  
special license plates to the motor vehicle owned or leased by 4824  
the applicant and issue a new certificate of registration for 4825  
that motor vehicle. 4826

(7) If a corporation transfers the ownership of a motor 4827  
vehicle to an affiliated corporation, the affiliated corporation 4828  
may apply to the registrar for the transfer of the registration 4829  
and any license plates. The registrar may require the applicant 4830

to submit documentation of the corporate relationship and shall 4831  
determine whether the application for registration transfer is 4832  
made in good faith and not for the purposes of circumventing the 4833  
provisions of this chapter. Upon a proper filing, the registrar 4834  
shall issue an amended certificate of registration in the name 4835  
of the new owner. 4836

(B) An application under division (A) of this section 4837  
shall be accompanied by a service fee equal to the amount 4838  
established under section 4503.038 of the Revised Code, a 4839  
transfer fee of one dollar, and the original certificate of 4840  
registration, if applicable. 4841

(C) Neither the registrar nor a deputy registrar shall 4842  
transfer a registration under division (A) of this section if 4843  
the registration is prohibited by division (D) of section 4844  
2935.27, ~~division (A) of section 2937.221,~~ division (A) of 4845  
section 4503.13, division (D) of section 4503.234, division (B) 4846  
of section 4510.22, division (B) (1) of section 4521.10, or 4847  
division (B) of section 5537.041 of the Revised Code. 4848

(D) Whoever violates division (A) of this section is 4849  
guilty of a misdemeanor of the fourth degree. 4850

(E) As used in division (A) (6) of this section, "special 4851  
license plates" means either of the following: 4852

(1) Any license plates for which the person to whom the 4853  
license plates are issued must pay an additional fee in excess 4854  
of the fees prescribed in section 4503.04 of the Revised Code, 4855  
Chapter 4504. of the Revised Code, and the service fee 4856  
prescribed in division (D) or (G) of section 4503.10 of the 4857  
Revised Code; 4858

(2) License plates issued under section 4503.44 of the 4859

Revised Code. 4860

**Sec. 4503.20.** (A) As used in this section: 4861

(1) "Dealer engaged in the business of leasing motor 4862  
vehicles" means any person engaged in the business of regularly 4863  
making available, offering to make available, or arranging for 4864  
another person to use a motor vehicle pursuant to a bailment, 4865  
lease, or other contractual arrangement. 4866

(2) "Motor vehicle" has the meaning set forth in section 4867  
4509.01 of the Revised Code. 4868

(B) An application for the registration of a motor vehicle 4869  
shall contain a statement, to be signed by the applicant either 4870  
manually or by electronic signature, that does all of the 4871  
following: 4872

(1) States that the applicant maintains, or has maintained 4873  
on the applicant's behalf, proof of financial responsibility at 4874  
the time of application, and will not operate a motor vehicle in 4875  
this state, unless the applicant maintains, with respect to that 4876  
motor vehicle or the operation of such vehicle, proof of 4877  
financial responsibility; 4878

(2) Contains a brief summary of the purposes and operation 4879  
of section 4509.101 of the Revised Code, the rights and duties 4880  
of the applicant under that section, and the penalties for 4881  
violation of that section; 4882

(3) Warns the applicant that the financial responsibility 4883  
law does not prevent the possibility that the applicant may be 4884  
involved in an accident with an owner or operator of a motor 4885  
vehicle who is without proof of financial responsibility. 4886

(C) (1) A person who purchases any motor vehicle from a 4887

licensed motor vehicle dealer who agrees to make application for 4888  
registration of the motor vehicle on behalf of the purchaser 4889  
shall sign statements that comply with divisions (B) and (F) of 4890  
this section. The dealer shall submit the statements to the 4891  
deputy registrar where the dealer has agreed to make application 4892  
for registration on behalf of the person. 4893

(2) In the case of a person who leases any motor vehicle 4894  
from a dealer engaged in the business of leasing motor vehicles 4895  
who agrees to make application for registration of the motor 4896  
vehicle on behalf of the lessee, the person shall sign a 4897  
statement that complies with division (B) of this section, and 4898  
the dealer shall do either of the following: 4899

(a) Submit the statement signed by the person to the 4900  
deputy registrar where the dealer has agreed to make application 4901  
for registration on behalf of the person; 4902

(b) Sign and submit a statement to the deputy registrar 4903  
that certifies that a statement has been signed and filed with 4904  
the dealer or incorporated into the lease. 4905

The dealer shall submit to the registrar or deputy 4906  
registrar to whom the dealer submits the application for 4907  
registration a statement signed by the person that complies with 4908  
division (F) of this section. 4909

(D) The registrar of motor vehicles shall prescribe the 4910  
form of the statements required under divisions (B), (C), and 4911  
(F) of this section, and the manner or manners in which the 4912  
statements required under divisions (B) and (F) of this section 4913  
shall be presented to the applicant. Any statement that is 4914  
required under divisions (B), (C), and (F) of this section shall 4915  
be designed to enable the applicant to retain a copy of it. 4916

(E) Nothing within this section shall be construed to 4917  
excuse a violation of section 4509.101 of the Revised Code. A 4918  
motor vehicle dealer who makes application for the registration 4919  
of a motor vehicle on behalf of the purchaser or lessee of the 4920  
motor vehicle is not liable in damages in any civil action on 4921  
account of the act of making such application for registration 4922  
or the content of any such application for registration. 4923

(F) In addition to the statements required by divisions 4924  
(B) and (C) of this section, a person who makes application for 4925  
registration of a motor vehicle shall be furnished with a form 4926  
that lists in plain language all the possible penalties to which 4927  
a person could be subject for a violation of the financial 4928  
responsibility law, including driver's license suspensions, and 4929  
all fees, including nonvoluntary compliance and reinstatement 4930  
fees, ~~and vehicle immobilization or impoundment~~. The person 4931  
shall read the form and either manually or by electronic 4932  
signature sign the form, which shall be submitted along with the 4933  
application for registration as provided in this section. The 4934  
form shall be retained by the registrar or deputy registrar who 4935  
issues the motor vehicle registration or the registrar's or 4936  
deputy registrar's successor for a period of two years from the 4937  
date of issuance of the registration. 4938

(G) Upon the registration of a motor vehicle, the owner of 4939  
the motor vehicle is deemed to have agreed to the production of 4940  
proof of financial responsibility by the owner or the operator 4941  
of the motor vehicle, upon the request of a peace officer or 4942  
state highway patrol trooper made in accordance with division 4943  
(D) (2) of section 4509.101 of the Revised Code. 4944

(H) The registrar shall adopt rules governing the renewal 4945  
of motor vehicle registrations by electronic means and the 4946

completion and submission of statements that comply with 4947  
divisions (B) and (F) of this section. The registrar shall adopt 4948  
the rules prescribed by this division in accordance with Chapter 4949  
119. of the Revised Code. 4950

**Sec. 4503.39.** With regard to a motor vehicle leased by or 4951  
in the name of a person named in a suspension order or who is 4952  
precluded from registering or transferring registration of a 4953  
motor vehicle because of a failure to ~~pay a fine or court~~ 4954  
~~costs appear~~, the registrar of motor vehicles shall adopt 4955  
procedures as indicated in division (B) of section 1901.44, 4956  
division (B) of section 1905.202, division (B) of section 4957  
1907.25, division (D) of section 2935.27, ~~division (A) of~~ 4958  
~~section 2937.221~~, division (A) of section 2947.09, and division 4959  
(B) of section 4510.22 of the Revised Code. The procedures shall 4960  
prescribe the information and methodology necessary to implement 4961  
those divisions. 4962

**Sec. 4507.212.** (A) As used in this section, "motor 4963  
vehicle" has the same meaning as in section 4509.01 of the 4964  
Revised Code. 4965

(B) An application for a driver's, commercial driver's, 4966  
restricted, or probationary license, or renewal of such license 4967  
shall contain a statement, to be signed by the applicant, that 4968  
does all of the following: 4969

(1) States that the applicant maintains, or has maintained 4970  
on ~~his~~ the applicant's behalf, proof of financial responsibility 4971  
at the time of application, and will not operate a motor vehicle 4972  
in this state, unless ~~he~~ the applicant maintains, or has 4973  
maintained on ~~his~~ the applicant's behalf, proof of financial 4974  
responsibility; 4975



(2) Contains a brief summary of the purposes and operation 4976  
of section 4509.101 of the Revised Code, the rights and duties 4977  
of the applicant under that section, and the penalties for 4978  
violation of that section; 4979

(3) Warns the applicant that the financial responsibility 4980  
law does not prevent the possibility that the applicant may be 4981  
involved in an accident with an owner or operator of a motor 4982  
vehicle who is without proof of financial responsibility. 4983

(C) The registrar of motor vehicles shall prescribe the 4984  
form of the statement, and the manner in which the statement 4985  
shall be presented to the applicant. The statement shall be 4986  
designed to enable the applicant to retain a copy of it. 4987

(D) Nothing within this section shall be construed to 4988  
excuse a violation of section 4509.101 of the Revised Code. 4989

(E) At the time a person submits an application for a 4990  
driver's, commercial driver's, restricted, or probationary 4991  
license, or renewal of such a license, the applicant also shall 4992  
be furnished with a form that lists in plain language all the 4993  
possible penalties to which the applicant could be subject for a 4994  
violation of the financial responsibility law, including 4995  
driver's license suspensions, and all fees, including 4996  
nonvoluntary compliance and reinstatement fees, ~~and vehicle~~ 4997  
~~immobilization or impoundment~~. The applicant shall sign the 4998  
form, which shall be submitted along with the application. The 4999  
form shall be retained by the registrar or deputy registrar who 5000  
issues the license or renewal or ~~his~~ the registrar's or deputy 5001  
registrar's successor for a period of two years from the date of 5002  
issuance of the license or renewal. The registrar shall 5003  
prescribe the manner in which the form shall be presented to the 5004  
applicant, and the format of the form, which shall be such that 5005

the applicant can retain a copy of it. 5006

**Sec. 4509.101.** (A) (1) No person shall operate, or permit 5007  
the operation of, a motor vehicle in this state, unless proof of 5008  
financial responsibility is maintained continuously throughout 5009  
the registration period with respect to that vehicle, or, in the 5010  
case of a driver who is not the owner, with respect to that 5011  
driver's operation of that vehicle. 5012

(2) Whoever violates division (A) (1) of this section shall 5013  
be subject to the following civil penalties: 5014

(a) Subject to divisions (A) (2) (b) and (c) of this 5015  
section, a class (F) suspension of the person's driver's 5016  
license, commercial driver's license, temporary instruction 5017  
permit, probationary license, or nonresident operating privilege 5018  
for the period of time specified in division (B) (6) of section 5019  
4510.02 of the Revised Code and impoundment of the person's 5020  
license. The court may grant limited driving privileges to the 5021  
person, but only if the person presents proof of financial 5022  
responsibility and is enrolled in a reinstatement fee payment 5023  
plan pursuant to section 4510.10 of the Revised Code. 5024

(b) If, within ~~five years~~ one year of the violation, the 5025  
person's operating privileges are again suspended and the 5026  
person's license again is impounded for a violation of division 5027  
(A) (1) of this section, a class C suspension of the person's 5028  
driver's license, commercial driver's license, temporary 5029  
instruction permit, probationary license, or nonresident 5030  
operating privilege for the period of time specified in division 5031  
(B) (3) of section 4510.02 of the Revised Code. The court may 5032  
grant limited driving privileges to the person only if the 5033  
person presents proof of financial responsibility and has 5034  
complied with division (A) (5) of this section, and no court may 5035

grant limited driving privileges for the first fifteen days of 5036  
the suspension. 5037

(c) If, within ~~five years~~ one year of the violation, the 5038  
person's operating privileges are suspended and the person's 5039  
license is impounded two or more times for a violation of 5040  
division (A) (1) of this section, a class B suspension of the 5041  
person's driver's license, commercial driver's license, 5042  
temporary instruction permit, probationary license, or 5043  
nonresident operating privilege for the period of time specified 5044  
in division (B) (2) of section 4510.02 of the Revised Code. The 5045  
court may grant limited driving privileges to the person only if 5046  
the person presents proof of financial responsibility and has 5047  
complied with division (A) (5) of this section, except that no 5048  
court may grant limited driving privileges for the first thirty 5049  
days of the suspension. 5050

~~(d) In addition to the suspension of an owner's license~~ 5051  
~~under division (A) (2) (a), (b), or (c) of this section, the~~ 5052  
~~suspension of the rights of the owner to register the motor~~ 5053  
~~vehicle and the impoundment of the owner's certificate of~~ 5054  
~~registration and license plates until the owner complies with~~ 5055  
~~division (A) (5) of this section.~~ 5056

The clerk of court shall waive the cost of filing a 5057  
petition for limited driving privileges if, pursuant to section 5058  
2323.311 of the Revised Code, the petitioner applies to be 5059  
qualified as an indigent litigant and the court approves the 5060  
application. 5061

(3) A person to whom this state has issued a certificate 5062  
of registration for a motor vehicle or a license to operate a 5063  
motor vehicle or who is determined to have operated any motor 5064  
vehicle or permitted the operation in this state of a motor 5065

vehicle owned by the person shall be required to verify the 5066  
existence of proof of financial responsibility covering the 5067  
operation of the motor vehicle or the person's operation of the 5068  
motor vehicle under either of the following circumstances: 5069

(a) The person or a motor vehicle owned by the person is 5070  
involved in a traffic accident that requires the filing of an 5071  
accident report under section 4509.06 of the Revised Code. 5072

(b) The person receives a traffic ticket indicating that 5073  
proof of the maintenance of financial responsibility was not 5074  
produced upon the request of a peace officer or state highway 5075  
patrol trooper made in accordance with division (D) (2) of this 5076  
section. 5077

(4) An order of the registrar that suspends ~~and impounds a~~ 5078  
~~license or registration, or both,~~ shall state the date on or 5079  
before which the person is required to surrender the person's 5080  
~~license or certificate of registration and license plates.~~ The 5081  
person is deemed to have surrendered the ~~license or certificate~~ 5082  
~~of registration and license plates,~~ in compliance with the 5083  
order, if the person does either of the following: 5084

(a) On or before the date specified in the order, delivers 5085  
the ~~license or certificate of registration and license plates to~~ 5086  
the registrar; 5087

(b) Mails the ~~license or certificate of registration and~~ 5088  
~~license plates~~ to the registrar in an envelope or container 5089  
bearing a postmark showing a date no later than the date 5090  
specified in the order. 5091

(5) Except as provided in division (L) of this section, 5092  
the registrar shall not restore any operating privileges ~~or~~ 5093  
~~registration rights~~ suspended under this section, return any 5094

~~license, certificate of registration, or license plates~~ 5095  
~~impounded surrendered~~ under this section, ~~or reissue license~~ 5096  
~~plates under section 4503.232 of the Revised Code, if the~~ 5097  
~~registrar destroyed the impounded license plates under that~~ 5098  
~~section, or reissue a license under section 4510.52 of the~~ 5099  
Revised Code, if the registrar destroyed the suspended license 5100  
under that section, unless the rights are not subject to 5101  
suspension or revocation under any other law and unless the 5102  
person, in addition to complying with all other conditions 5103  
required by law for reinstatement of the operating privileges ~~or~~ 5104  
~~registration rights~~, complies with all of the following: 5105

(a) Pays to the registrar or an eligible deputy registrar 5106  
a financial responsibility reinstatement fee of forty dollars 5107  
for the first violation of division (A)(1) of this section, 5108  
three hundred dollars for a second violation of that division, 5109  
and six hundred dollars for a third or subsequent violation of 5110  
that division; 5111

~~(b) If the person has not voluntarily surrendered the~~ 5112  
~~license, certificate, or license plates in compliance with the~~ 5113  
~~order, pays to the registrar or an eligible deputy registrar a~~ 5114  
~~financial responsibility nonvoluntary compliance fee in an~~ 5115  
~~amount, not to exceed fifty dollars, determined by the~~ 5116  
~~registrar;~~ 5117

~~(e)~~ Files and continuously maintains proof of financial 5118  
responsibility ~~under~~ in accordance with sections 4509.44 to 5119  
4509.65 of the Revised Code; 5120

~~(d)~~ (c) Pays a deputy registrar a service fee of ten 5121  
dollars to compensate the deputy registrar for services 5122  
performed under this section. The deputy registrar shall retain 5123  
eight dollars of the service fee and shall transmit the 5124

reinstatement fee, ~~any nonvoluntary compliance fee,~~ and two 5125  
dollars of the service fee to the registrar in the manner the 5126  
registrar shall determine. 5127

(B) (1) Every party required to file an accident report 5128  
under section 4509.06 of the Revised Code also shall include 5129  
with the report a document described in division (G) (1) (a) of 5130  
this section or shall present proof of financial responsibility 5131  
through use of an electronic wireless communications device as 5132  
permitted by division (G) (1) (b) of this section. 5133

If the registrar determines, within forty-five days after 5134  
the report is filed, that an operator or owner has violated 5135  
division (A) (1) of this section, the registrar shall do all of 5136  
the following: 5137

~~(a) Order the impoundment, with respect to the motor 5138  
vehicle involved, required under division (A) (2) (d) of this 5139  
section, of the certificate of registration and license plates 5140  
of any owner who has violated division (A) (1) of this section;~~ 5141

~~(b) Order the suspension required under division (A) (2) 5142  
(a), (b), or (c) of this section of the license of any operator 5143  
or owner who has violated division (A) (1) of this section;~~ 5144

~~(e) (b) Record the name and address of the person whose 5145  
certificate of registration and license plates have been 5146  
impounded or are under an order of impoundment, or whose license 5147  
has been suspended or is under an order of suspension; and the 5148  
serial number of the person's license; ~~the serial numbers of the 5149  
person's certificate of registration and license plates;~~ and 5150  
the person's social security account number, if assigned, or, 5151  
where the motor vehicle that is the subject of the violation is 5152  
used for hire or principally in connection with any established 5153~~

business, the person's federal taxpayer identification number. 5154  
The information shall be recorded in such a manner that it 5155  
becomes a part of the person's permanent record, and assists the 5156  
registrar in monitoring compliance with the orders of suspension 5157  
~~or impoundment.~~ 5158

~~(d)~~ (c) Send written notification to every person to whom 5159  
the order pertains, at the person's last known address as shown 5160  
on the records of the bureau. The person, within ten days after 5161  
the date of the mailing of the notification, shall surrender to 5162  
the registrar, in a manner set forth in division (A) (4) of this 5163  
section, ~~any certificate of registration and registration plates~~ 5164  
~~under an order of impoundment, or any license under an order of~~ 5165  
suspension. 5166

(2) The registrar shall issue any order under division (B) 5167  
(1) of this section without a hearing. Any person adversely 5168  
affected by the order, within ten days after the issuance of the 5169  
order, may request an administrative hearing before the 5170  
registrar, who shall provide the person with an opportunity for 5171  
a hearing in accordance with this paragraph. A request for a 5172  
hearing does not operate as a suspension of the order. The scope 5173  
of the hearing shall be limited to whether the person in fact 5174  
demonstrated to the registrar proof of financial responsibility 5175  
in accordance with this section. The registrar shall determine 5176  
the date, time, and place of any hearing, provided that the 5177  
hearing shall be held, and an order issued or findings made, 5178  
within thirty days after the registrar receives a request for a 5179  
hearing. If requested by the person in writing, the registrar 5180  
may designate as the place of hearing the county seat of the 5181  
county in which the person resides or a place within fifty miles 5182  
of the person's residence. The person shall pay the cost of the 5183  
hearing before the registrar, if the registrar's order of 5184

suspension ~~or impoundment~~ is upheld. 5185

(C) Any order of suspension ~~or impoundment~~ issued under 5186  
this section or division (B) of section 4509.37 of the Revised 5187  
Code may be terminated at any time if the registrar determines 5188  
upon a showing of proof of financial responsibility that the 5189  
operator or owner of the motor vehicle was in compliance with 5190  
division (A) (1) of this section at the time of the traffic 5191  
offense, motor vehicle inspection, or accident that resulted in 5192  
the order against the person. A determination may be made 5193  
without a hearing. This division does not apply unless the 5194  
person shows good cause for the person's failure to present 5195  
satisfactory proof of financial responsibility to the registrar 5196  
prior to the issuance of the order. 5197

(D) (1) (a) For the purpose of enforcing this section, every 5198  
peace officer is deemed an agent of the registrar. 5199

(b) Any peace officer who, in the performance of the peace 5200  
officer's duties as authorized by law, becomes aware of a person 5201  
whose license is under an order of suspension, ~~or whose~~ 5202  
~~certificate of registration and license plates are under an~~ 5203  
~~order of impoundment,~~ pursuant to this section, may confiscate 5204  
the license, ~~certificate of registration, and license plates,~~ 5205  
and return ~~them~~ it to the registrar. 5206

(2) A peace officer shall request the owner or operator of 5207  
a motor vehicle to produce proof of financial responsibility in 5208  
a manner described in division (G) of this section at the time 5209  
the peace officer acts to enforce the traffic laws of this state 5210  
and during motor vehicle inspections conducted pursuant to 5211  
section 4513.02 of the Revised Code. 5212

(3) A peace officer shall indicate on every traffic ticket 5213



whether the person receiving the traffic ticket produced proof 5214  
of the maintenance of financial responsibility in response to 5215  
the officer's request under division (D) (2) of this section. The 5216  
peace officer shall inform every person who receives a traffic 5217  
ticket and who has failed to produce proof of the maintenance of 5218  
financial responsibility that the person must submit proof to 5219  
the traffic violations bureau with any payment of a fine and 5220  
costs for the ticketed violation or, if the person is to appear 5221  
in court for the violation, the person must submit proof to the 5222  
court. 5223

(4) (a) If a person who has failed to produce proof of the 5224  
maintenance of financial responsibility appears in court for a 5225  
ticketed violation, the court may permit the defendant to 5226  
present evidence of proof of financial responsibility to the 5227  
court at such time and in such manner as the court determines to 5228  
be necessary or appropriate. In a manner prescribed by the 5229  
registrar, the clerk of courts shall provide the registrar with 5230  
the identity of any person who fails to submit proof of the 5231  
maintenance of financial responsibility pursuant to division (D) 5232  
(3) of this section. 5233

(b) If a person who has failed to produce proof of the 5234  
maintenance of financial responsibility also fails to submit 5235  
that proof to the traffic violations bureau with payment of a 5236  
fine and costs for the ticketed violation, the traffic 5237  
violations bureau, in a manner prescribed by the registrar, 5238  
shall notify the registrar of the identity of that person. 5239

(5) (a) Upon receiving notice from a clerk of courts or 5240  
traffic violations bureau pursuant to division (D) (4) of this 5241  
section, the registrar shall order the suspension of the license 5242  
of the person required under division (A) (2) (a), (b), or (c) of 5243

this section ~~and the impoundment of the person's certificate of~~ 5244  
~~registration and license plates required under division (A) (2)~~ 5245  
~~(d) of this section,~~ effective ~~thirty~~ forty-five days after the 5246  
date of the mailing of notification. The registrar also shall 5247  
notify the person that the person must present the registrar 5248  
with proof of financial responsibility in accordance with this 5249  
section, surrender to the registrar the person's ~~certificate of~~ 5250  
~~registration, license plates, and license,~~ or submit a statement 5251  
subject to section 2921.13 of the Revised Code that the person 5252  
did not operate or permit the operation of the motor vehicle at 5253  
the time of the offense. Notification shall be in writing and 5254  
shall be sent to the person at the person's last known address 5255  
as shown on the records of the bureau of motor vehicles. The 5256  
person, within ~~fifteen~~ forty-five days after the date of the 5257  
mailing of notification, shall present proof of financial 5258  
responsibility, surrender the ~~certificate of registration,~~ 5259  
~~license plates, and license~~ to the registrar in a manner set 5260  
forth in division (A) (4) of this section, or submit the 5261  
statement required under this section together with other 5262  
information the person considers appropriate. 5263

If the registrar does not receive proof or the person does 5264  
not surrender the ~~certificate of registration, license plates,~~ 5265  
~~and license,~~ in accordance with this division, the registrar 5266  
shall permit the order for the suspension of the license of the 5267  
person and ~~the impoundment of the person's certificate of~~ 5268  
~~registration and license plates~~ to take effect. 5269

(b) In the case of a person who presents, within the 5270  
~~fifteen-day~~ forty-five-day period, proof of financial 5271  
responsibility, the registrar shall terminate the order of 5272  
suspension and ~~the impoundment of the registration and license~~ 5273  
~~plates required under division (A) (2) (d) of this section~~ and 5274

shall send written notification to the person, at the person's 5275  
last known address as shown on the records of the bureau. 5276

(c) Any person adversely affected by the order of the 5277  
registrar under division (D) (5) (a) or (b) of this section, 5278  
within ten days after the issuance of the order, may request an 5279  
administrative hearing before the registrar, who shall provide 5280  
the person with an opportunity for a hearing in accordance with 5281  
this paragraph. A request for a hearing does not operate as a 5282  
suspension of the order. The scope of the hearing shall be 5283  
limited to whether, at the time of the hearing, the person 5284  
presents proof of financial responsibility covering the vehicle 5285  
and whether the person is eligible for an exemption in 5286  
accordance with this section or any rule adopted under it. The 5287  
registrar shall determine the date, time, and place of any 5288  
hearing; provided, that the hearing shall be held, and an order 5289  
issued or findings made, within thirty days after the registrar 5290  
receives a request for a hearing. If requested by the person, 5291  
the hearing may be held remotely by electronic means. If 5292  
requested by the person in writing, the registrar may designate 5293  
as the place of hearing the county seat of the county in which 5294  
the person resides or a place within fifty miles of the person's 5295  
residence. Such person shall pay the cost of the hearing before 5296  
the registrar, if the registrar's order of suspension ~~or~~ 5297  
~~impoundment~~ under division (D) (5) (a) or (b) of this section is 5298  
upheld. 5299

~~(6) A peace officer may charge an owner or operator of a 5300  
motor vehicle with a violation of section 4510.16 of the Revised 5301  
Code when the owner or operator fails to show proof of the 5302  
maintenance of financial responsibility pursuant to a peace 5303  
officer's request under division (D) (2) of this section, if a 5304  
check of the owner or operator's driving record indicates that 5305~~

~~the owner or operator, at the time of the operation of the motor  
vehicle, is required to file and maintain proof of financial  
responsibility under section 4509.45 of the Revised Code for a  
previous violation of this chapter.~~

~~(7)~~ Any forms used by law enforcement agencies in  
administering this section shall be prescribed, supplied, and  
paid for by the registrar.

~~(8)~~ (7) No peace officer, law enforcement agency employing  
a peace officer, or political subdivision or governmental agency  
that employs a peace officer shall be liable in a civil action  
for damages or loss to persons arising out of the performance of  
any duty required or authorized by this section.

~~(9)~~ (8) As used in this section, "peace officer" has the  
meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy  
registrar, and those portions of the financial responsibility  
reinstatement fees as otherwise specified in this division,  
collected under this section shall be paid into the state  
treasury to the credit of the public safety - highway purposes  
fund established in section 4501.06 of the Revised Code and used  
to cover costs incurred by the bureau in the administration of  
this section and sections 4503.20, 4507.212, and 4509.81 of the  
Revised Code, and by any law enforcement agency employing any  
peace officer who returns any license, ~~certificate of~~  
~~registration, and license plates~~ to the registrar pursuant to  
division (C) of this section.

Of each financial responsibility reinstatement fee the  
registrar collects pursuant to division (A) (5) (a) of this  
section or receives from a deputy registrar under division ~~(A)~~

~~(5) (d) (A) (5) (c)~~ of this section, the registrar shall deposit 5335  
ten dollars into the state treasury to the credit of the 5336  
indigent defense support fund created by section 120.08 of the 5337  
Revised Code. 5338

(F) Chapter 119. of the Revised Code applies to this 5339  
section only to the extent that any provision in that chapter is 5340  
not clearly inconsistent with this section. 5341

(G) (1) (a) The registrar, court, traffic violations bureau, 5342  
or peace officer may require proof of financial responsibility 5343  
to be demonstrated by use of a standard form prescribed by the 5344  
registrar. If the use of a standard form is not required, a 5345  
person may demonstrate proof of financial responsibility under 5346  
this section by presenting to the traffic violations bureau, 5347  
court, registrar, or peace officer any of the following 5348  
documents or a copy of the documents: 5349

(i) A financial responsibility identification card as 5350  
provided in section 4509.103 of the Revised Code; 5351

(ii) A certificate of proof of financial responsibility on 5352  
a form provided and approved by the registrar for the filing of 5353  
an accident report required to be filed under section 4509.06 of 5354  
the Revised Code; 5355

(iii) A policy of liability insurance, a declaration page 5356  
of a policy of liability insurance, or liability bond, if the 5357  
policy or bond complies with section 4509.20 or sections 4509.49 5358  
to 4509.61 of the Revised Code; 5359

(iv) A bond or certification of the issuance of a bond as 5360  
provided in section 4509.59 of the Revised Code; 5361

(v) A certificate of deposit of money or securities as 5362  
provided in section 4509.62 of the Revised Code; 5363

(vi) A certificate of self-insurance as provided in 5364  
section 4509.72 of the Revised Code. 5365

(b) A person also may present proof of financial 5366  
responsibility under this section to the traffic violations 5367  
bureau, court, registrar, or peace officer through use of an 5368  
electronic wireless communications device as specified under 5369  
section 4509.103 of the Revised Code. 5370

(2) If a person fails to demonstrate proof of financial 5371  
responsibility in a manner described in division (G)(1) of this 5372  
section, the person may demonstrate proof of financial 5373  
responsibility under this section by any other method that the 5374  
court or the bureau, by reason of circumstances in a particular 5375  
case, may consider appropriate. 5376

(3) A motor carrier certificated by the interstate 5377  
commerce commission or by the public utilities commission may 5378  
demonstrate proof of financial responsibility by providing a 5379  
statement designating the motor carrier's operating authority 5380  
and averring that the insurance coverage required by the 5381  
certificating authority is in full force and effect. 5382

(4) (a) A finding by the registrar or court that a person 5383  
is covered by proof of financial responsibility in the form of 5384  
an insurance policy or surety bond is not binding upon the named 5385  
insurer or surety or any of its officers, employees, agents, or 5386  
representatives and has no legal effect except for the purpose 5387  
of administering this section. 5388

(b) The preparation and delivery of a financial 5389  
responsibility identification card or any other document 5390  
authorized to be used as proof of financial responsibility and 5391  
the generation and delivery of proof of financial responsibility 5392

to an electronic wireless communications device that is 5393  
displayed on the device as text or images does not do any of the 5394  
following: 5395

(i) Create any liability or estoppel against an insurer or 5396  
surety, or any of its officers, employees, agents, or 5397  
representatives; 5398

(ii) Constitute an admission of the existence of, or of 5399  
any liability or coverage under, any policy or bond; 5400

(iii) Waive any defenses or counterclaims available to an 5401  
insurer, surety, agent, employee, or representative in an action 5402  
commenced by an insured or third-party claimant upon a cause of 5403  
action alleged to have arisen under an insurance policy or 5404  
surety bond or by reason of the preparation and delivery of a 5405  
document for use as proof of financial responsibility or the 5406  
generation and delivery of proof of financial responsibility to 5407  
an electronic wireless communications device. 5408

(c) Whenever it is determined by a final judgment in a 5409  
judicial proceeding that an insurer or surety, which has been 5410  
named on a document or displayed on an electronic wireless 5411  
communications device accepted by a court or the registrar as 5412  
proof of financial responsibility covering the operation of a 5413  
motor vehicle at the time of an accident or offense, is not 5414  
liable to pay a judgment for injuries or damages resulting from 5415  
such operation, the registrar, notwithstanding any previous 5416  
contrary finding, shall forthwith suspend the operating 5417  
privileges and registration rights of the person against whom 5418  
the judgment was rendered as provided in division (A) (2) of this 5419  
section. 5420

(H) In order for any document or display of text or images 5421

on an electronic wireless communications device described in 5422  
division (G) (1) of this section to be used for the demonstration 5423  
of proof of financial responsibility under this section, the 5424  
document or words or images shall state the name of the insured 5425  
or obligor, the name of the insurer or surety company, and the 5426  
effective and expiration dates of the financial responsibility, 5427  
and designate by explicit description or by appropriate 5428  
reference all motor vehicles covered which may include a 5429  
reference to fleet insurance coverage. 5430

(I) For purposes of this section, "owner" does not include 5431  
a licensed motor vehicle leasing dealer as defined in section 5432  
4517.01 of the Revised Code, but does include a motor vehicle 5433  
renting dealer as defined in section 4549.65 of the Revised 5434  
Code. Nothing in this section or in section 4509.51 of the 5435  
Revised Code shall be construed to prohibit a motor vehicle 5436  
renting dealer from entering into a contractual agreement with a 5437  
person whereby the person renting the motor vehicle agrees to be 5438  
solely responsible for maintaining proof of financial 5439  
responsibility, in accordance with this section, with respect to 5440  
the operation, maintenance, or use of the motor vehicle during 5441  
the period of the motor vehicle's rental. 5442

(J) The purpose of this section is to require the 5443  
maintenance of proof of financial responsibility with respect to 5444  
the operation of motor vehicles on the highways of this state, 5445  
so as to minimize those situations in which persons are not 5446  
compensated for injuries and damages sustained in motor vehicle 5447  
accidents. The general assembly finds that this section contains 5448  
reasonable civil penalties and procedures for achieving this 5449  
purpose. 5450

(K) Nothing in this section shall be construed to be 5451



subject to section 4509.78 of the Revised Code. 5452

(L) (1) The registrar may terminate any suspension imposed 5453  
under this section and not require the owner to comply with 5454  
~~divisions (A) (5) (a), (b), and (c)~~division (A) (5) of this section 5455  
if the registrar with or without a hearing determines that the 5456  
owner of the vehicle has established by clear and convincing 5457  
evidence that all of the following apply: 5458

(a) The owner customarily maintains proof of financial 5459  
responsibility. 5460

(b) Proof of financial responsibility was not in effect 5461  
for the vehicle on the date in question for one of the following 5462  
reasons: 5463

(i) The vehicle was inoperable. 5464

(ii) The vehicle is operated only seasonally, and the date 5465  
in question was outside the season of operation. 5466

(iii) A person other than the vehicle owner or driver was 5467  
at fault for the lapse of proof of financial responsibility 5468  
through no fault of the owner or driver. 5469

(iv) The lapse of proof of financial responsibility was 5470  
caused by excusable neglect under circumstances that are not 5471  
likely to recur and do not suggest a purpose to evade the 5472  
requirements of this chapter. 5473

(2) The registrar may grant an owner or driver relief for 5474  
a reason specified in division (L) (1) (b) (iii) or (iv) of this 5475  
section only if the owner or driver has not previously been 5476  
granted relief under division (L) (1) (b) (iii) or (iv) of this 5477  
section. 5478

(M) The registrar shall adopt rules in accordance with 5479

Chapter 119. of the Revised Code that are necessary to 5480  
administer and enforce this section. The rules shall include 5481  
~~procedures for the surrender of license plates upon failure to~~ 5482  
~~maintain proof of financial responsibility and provisions~~ 5483  
relating to ~~reinstatement of registration rights,~~ acceptable 5484  
forms of proof of financial responsibility, the use of an 5485  
electronic wireless communications device to present proof of 5486  
financial responsibility, and verification of the existence of 5487  
financial responsibility during the period of registration. 5488

(N) (1) When a person utilizes an electronic wireless 5489  
communications device to present proof of financial 5490  
responsibility, only the evidence of financial responsibility 5491  
displayed on the device shall be viewed by the registrar, peace 5492  
officer, employee or official of the traffic violations bureau, 5493  
or the court. No other content of the device shall be viewed for 5494  
purposes of obtaining proof of financial responsibility. 5495

(2) When a person provides an electronic wireless 5496  
communications device to the registrar, a peace officer, an 5497  
employee or official of a traffic violations bureau, or the 5498  
court, the person assumes the risk of any resulting damage to 5499  
the device unless the registrar, peace officer, employee, or 5500  
official, or court personnel purposely, knowingly, or recklessly 5501  
commits an action that results in damage to the device. 5502

**Sec. 4509.45.** (A) As used in this section, "electronic 5503  
wireless communications device" has the same meaning as in 5504  
section 4509.103 of the Revised Code. 5505

(B) Proof of financial responsibility when required under 5506  
section 4509.101, 4509.33, 4509.34, 4509.38, 4509.40, 4509.42, 5507  
4509.44, or 4510.038 of the Revised Code may be given by filing 5508  
and maintaining any of the following: 5509

(1) A financial responsibility identification card as 5510  
provided in section 4509.104 of the Revised Code; 5511

(2) A certificate of insurance as provided in section 5512  
4509.46 or 4509.47 of the Revised Code; 5513

(3) A bond as provided in section 4509.59 of the Revised 5514  
Code; 5515

(4) A certificate of deposit of money or securities as 5516  
provided in section 4509.62 of the Revised Code; 5517

(5) A certificate of self-insurance, as provided in 5518  
section 4509.72 of the Revised Code, supplemented by an 5519  
agreement by the self-insurer that, with respect to accidents 5520  
occurring while the certificate is in force, the self-insurer 5521  
will pay the same amounts that an insurer would have been 5522  
obligated to pay under an owner's motor vehicle liability policy 5523  
if it had issued such a policy to the self-insurer. 5524

(C) When proof of financial responsibility is required to 5525  
be given under section 4509.101 of the Revised Code, such proof 5526  
also may be given through use of an electronic wireless 5527  
communications device as provided in that section. 5528

(D) Proof under division (B) of this section shall be 5529  
filed and maintained for ~~five years~~ one year from the date of 5530  
the registrar's imposition of a ~~class A, B, or C~~ suspension of 5531  
operating privileges ~~and shall be filed and maintained for three~~ 5532  
~~years from the date of the registrar's imposition of a class D,~~ 5533  
~~E, or F suspension of operating privileges.~~ Proof of financial 5534  
responsibility that is required to be filed and maintained with 5535  
the registrar during a period of suspension of operating 5536  
privileges described in this division shall not be given through 5537  
the use of an electronic wireless communications device. 5538

**Sec. 4509.66.** Whenever any proof of financial 5539  
responsibility filed under sections 4509.01 to 4509.78, 5540  
inclusive, of the Revised Code, no longer fulfills the purposes 5541  
for which required, the registrar of motor vehicles shall 5542  
require other proof and shall suspend the license ~~and~~ 5543  
~~registration~~ or the nonresident's operating privilege pending 5544  
the filing of such other proof. 5545

**Sec. 4509.67.** (A) The registrar of motor vehicles shall, 5546  
upon request, consent to the immediate cancellation of any bond 5547  
or certificate of insurance, return to the person entitled any 5548  
money deposited under sections 4509.01 to 4509.78 of the Revised 5549  
Code, as proof of financial responsibility, or waive the 5550  
requirement of filing proof, in any of the following events: 5551

(1) At any time after ~~three years~~ one year from the date 5552  
such proof was required when, during the ~~three years~~ one year 5553  
preceding the request, the registrar has not received record of 5554  
a conviction or bail forfeiture which would require or permit 5555  
the suspension or revocation of the license, ~~registration~~ or 5556  
nonresident's operating privilege of the person by or for whom 5557  
such proof was furnished ~~and the person's motor vehicle~~ 5558  
~~registration has not been suspended for a violation of section~~ 5559  
~~4509.101 of the Revised Code;~~ 5560

(2) In the event of the death of the person on whose 5561  
behalf such proof was filed or the permanent incapacity of such 5562  
person to operate a motor vehicle; 5563

(3) In the event the person who has given proof surrenders 5564  
the person's license ~~and registration~~ to the registrar. 5565

(B) The registrar shall not consent to the cancellation of 5566  
any bond or the return of any money if any action for damages 5567

upon a liability covered by such proof is pending, or any 5568  
judgment upon any such liability is unsatisfied, or in the event 5569  
the person who has filed such bond or deposited such money has 5570  
within two years immediately preceding such request been 5571  
involved as a driver or owner in any motor vehicle accident 5572  
resulting in injury to the person or property of others. An 5573  
affidavit of the applicant as to the nonexistence of such facts, 5574  
or that the applicant has been released from all liability, or 5575  
has been finally adjudicated not liable, for such injury may be 5576  
accepted as evidence thereof in the absence of evidence to the 5577  
contrary in the records of the registrar. 5578

(C) Whenever any person whose proof has been canceled or 5579  
returned under division (A) (3) of this section applies for a 5580  
license ~~or registration~~ within a period of ~~three years~~ one year 5581  
from the date proof was originally required, any such 5582  
application shall be refused unless the applicant re-establishes 5583  
proof of financial responsibility for the remainder of the 5584  
~~three year~~ one-year period. 5585

**Sec. 4509.69.** Any person whose license ~~or registration~~ has 5586  
been suspended, or whose policy of insurance or bond has been 5587  
canceled or terminated, or who neglects to furnish other proof 5588  
of financial responsibility upon request of the registrar of 5589  
motor vehicles, shall immediately return his the person's 5590  
license ~~and registration including the registration plates~~ to 5591  
the registrar. 5592

**Sec. 4509.77.** (A) No person shall willfully fail to return 5593  
a license ~~or registration~~ as required in section 4509.69 of the 5594  
Revised Code. 5595

(B) Whoever violates this section shall be fined not more 5596  
than five hundred dollars, imprisoned for not more than thirty 5597

days, or both. 5598

**Sec. 4510.101.** As used in sections 4510.101 to ~~4510.107~~ 5599  
4510.108 of the Revised Code: 5600

(A) "Eligible offense" means an offense under any of the 5601  
following Revised Code sections if the offense, an essential 5602  
element of the offense, the basis of the charge, or any 5603  
underlying offense did not involve alcohol, a drug of abuse, 5604  
combination thereof, or a deadly weapon: ~~2151.354, 2152.19,~~ 5605

(1) Sections 2151.354, 2152.19, 2152.21, 2913.02, 4507.20, 5606  
4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 4510.05, 4510.06, 5607  
4510.15, 4510.22, 4510.23, 4510.31, ~~4510.32,~~ 4511.203, 4511.205, 5608  
4511.251, 4511.75, 4549.02, 4549.021, and 5743.99 of the Revised 5609  
Code. 5610

(2) Section 4510.32 of the Revised Code for a driver's 5611  
license suspension imposed prior to the effective date of this 5612  
amendment. 5613

(B) "Deadly weapon" has the same meaning as in section 5614  
2923.11 of the Revised Code. 5615

(C) "Drug of abuse" has the same meaning as in section 5616  
4511.181 of the Revised Code. 5617

(D) "Complete amnesty" means a waiver of reinstatement 5618  
fees. 5619

(E) "Driver's license or permit" does not include a 5620  
commercial driver's license or permit. 5621

(F) "Indigent" means a person who is a participant in any 5622  
of the following programs: 5623

(1) The supplemental nutrition assistance program 5624

administered by the department of job and family services 5625  
pursuant to section 5101.54 of the Revised Code; 5626

(2) The medicaid program pursuant to Chapter 5163. of the 5627  
Revised Code; 5628

(3) The Ohio works first program administered by the 5629  
department of job and family services pursuant to section 5630  
5107.10 of the Revised Code; 5631

(4) The supplemental security income program pursuant to 5632  
20 C.F.R. 416.1100; 5633

(5) The United States department of veterans affairs 5634  
pension benefit program pursuant to 38 U.S.C. 1521. 5635

(G) "Permanent driver's license reinstatement fee debt 5636  
reduction and amnesty program" or "program" means the program 5637  
established in section 4510.102 of the Revised Code and 5638  
administered by the director of public safety. 5639

**Sec. 4510.111.** (A) No person shall operate any motor 5640  
vehicle upon a highway or any public or private property used by 5641  
the public for purposes of vehicular travel or parking in this 5642  
state whose driver's or commercial driver's license has been 5643  
suspended pursuant to section 2151.354, ~~2151.87~~, 2935.27, 5644  
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised 5645  
Code. 5646

(B) Upon the request or motion of the prosecuting 5647  
authority, a noncertified copy of the law enforcement automated 5648  
data system report or a noncertified copy of a record of the 5649  
registrar of motor vehicles that shows the name, date of birth, 5650  
and social security number of a person charged with a violation 5651  
of division (A) of this section may be admitted into evidence as 5652  
prima-facie evidence that the license of the person was under 5653

suspension at the time of the alleged violation of division (A) 5654  
of this section. The person charged with a violation of division 5655  
(A) of this section may offer evidence to rebut this prima-facie 5656  
evidence. 5657

(C) Whoever violates division (A) of this section is 5658  
guilty of driving under suspension, and shall be punished as 5659  
provided in division (C) (1) or (2) of this section. 5660

(1) Except as otherwise provided in division (C) (2) of 5661  
this section, the offense is an unclassified misdemeanor. The 5662  
offender shall be sentenced pursuant to sections 2929.21 to 5663  
2929.28 of the Revised Code, except that the offender shall not 5664  
be sentenced to a jail term; the offender shall not be sentenced 5665  
to a community residential sanction pursuant to section 2929.26 5666  
of the Revised Code; notwithstanding division (A) (2) (a) of 5667  
section 2929.28 of the Revised Code, the offender may be fined 5668  
up to one thousand dollars; and, notwithstanding division (A) (3) 5669  
of section 2929.27 of the Revised Code, the offender may be 5670  
ordered pursuant to division (C) of that section to serve a term 5671  
of community service of up to five hundred hours. The failure of 5672  
an offender to complete a term of community service imposed by 5673  
the court may be punished as indirect criminal contempt under 5674  
division (A) of section 2705.02 of the Revised Code that may be 5675  
filed in the underlying case. 5676

(2) If, within three years of the offense, the offender 5677  
previously was convicted of or pleaded guilty to two or more 5678  
violations of division (A) of this section, or any combination 5679  
of two or more violations of division (A) of this section or 5680  
section 4510.11 or 4510.16 of the Revised Code, or a 5681  
substantially equivalent municipal ordinance, the offense is a 5682  
misdemeanor of the fourth degree, and the offender shall provide 5683



the court with proof of financial responsibility as defined in 5684  
section 4509.01 of the Revised Code. If the offender fails to 5685  
provide that proof of financial responsibility, then in addition 5686  
to any other penalties provided by law, the court may order 5687  
restitution pursuant to section 2929.28 of the Revised Code in 5688  
an amount not exceeding five thousand dollars for any economic 5689  
loss arising from an accident or collision that was the direct 5690  
and proximate result of the offender's operation of the vehicle 5691  
before, during, or after committing the offense for which the 5692  
offender is sentenced under this section. 5693

**Sec. 4510.16.** (A) No person, whose driver's or commercial 5694  
driver's license or temporary instruction permit or 5695  
nonresident's operating privilege has been suspended or canceled 5696  
pursuant to Chapter 4509. of the Revised Code, shall operate any 5697  
motor vehicle within this state, or knowingly permit any motor 5698  
vehicle owned by the person to be operated by another person in 5699  
the state, during the period of the suspension or cancellation, 5700  
except as specifically authorized by Chapter 4509. of the 5701  
Revised Code. ~~No person shall operate a motor vehicle within~~ 5702  
~~this state, or knowingly permit any motor vehicle owned by the~~ 5703  
~~person to be operated by another person in the state, during the~~ 5704  
~~period in which the person is required by section 4509.45 of the~~ 5705  
~~Revised Code to file and maintain proof of financial~~ 5706  
~~responsibility for a violation of section 4509.101 of the~~ 5707  
~~Revised Code, unless proof of financial responsibility is~~ 5708  
~~maintained with respect to that vehicle.~~ 5709

(B) No person shall operate any motor vehicle upon a 5710  
highway or any public or private property used by the public for 5711  
purposes of vehicular travel or parking in this state if the 5712  
person's driver's or commercial driver's license or temporary 5713  
instruction permit or nonresident operating privilege has been 5714

suspended pursuant to section 4509.37 or 4509.40 of the Revised Code for nonpayment of a judgment. 5715  
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(C) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A) or (B) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of division (A) of this section or a nonpayment of judgment suspension at the time of the alleged violation of division (B) of this section. The person charged with a violation of division (A) or (B) of this section may offer evidence to rebut this prima-facie evidence. 5717  
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(D) Whoever violates division (A) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in divisions ~~(D)~~ (D) (1) to ~~(I)~~ (3) of this section. Whoever violates division (B) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in divisions ~~(D)~~ (D) (1) to ~~(I)~~ (3) of this section. 5730  
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(1) Except as otherwise provided in division (D) (2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code; notwithstanding division (A) (2) (a) of section 2929.28 of 5737  
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the Revised Code, the offender may be fined up to one thousand 5745  
dollars; and, notwithstanding division (A) (3) of section 2929.27 5746  
of the Revised Code, the offender may be ordered pursuant to 5747  
division (C) of that section to serve a term of community 5748  
service of up to five hundred hours. The failure of an offender 5749  
to complete a term of community service imposed by the court may 5750  
be punished as indirect criminal contempt under division (A) of 5751  
section 2705.02 of the Revised Code that may be filed in the 5752  
underlying case. 5753

(2) If, within three years of the offense, the offender 5754  
previously was convicted of or pleaded guilty to two or more 5755  
violations of this section, or any combination of two violations 5756  
of this section or section 4510.11 or 4510.111 of the Revised 5757  
Code, or a substantially equivalent municipal ordinance, the 5758  
offense is a misdemeanor of the fourth degree. 5759

(3) The offender shall provide the court with proof of 5760  
financial responsibility as defined in section 4509.01 of the 5761  
Revised Code. If the offender fails to provide that proof of 5762  
financial responsibility, then in addition to any other 5763  
penalties provided by law, the court may order restitution 5764  
pursuant to section 2929.28 of the Revised Code in an amount not 5765  
exceeding five thousand dollars for any economic loss arising 5766  
from an accident or collision that was the direct and proximate 5767  
result of the offender's operation of the vehicle before, 5768  
during, or after committing the offense for which the offender 5769  
is sentenced under this section. 5770

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 5771  
impose a class D suspension of the person's driver's license, 5772  
commercial driver's license, temporary instruction permit, 5773  
probationary license, or nonresident operating privilege for the 5774

period of time specified in division (B) (4) of section 4510.02 5775  
of the Revised Code on any person who is a resident of this 5776  
state and is convicted of or pleads guilty to a violation of a 5777  
statute of any other state or any federal statute that is 5778  
substantially similar to section 2925.02, 2925.03, 2925.04, 5779  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 5780  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 5781  
2925.37 of the Revised Code, provided that the person's license, 5782  
permit, or privilege is required to be suspended had the offense 5783  
occurred in this state. Upon receipt of a report from a court, 5784  
court clerk, or other official of any other state or from any 5785  
federal authority that a resident of this state was convicted of 5786  
or pleaded guilty to an offense described in this division, the 5787  
registrar shall send a notice by regular first class mail to the 5788  
person, at the person's last known address as shown in the 5789  
records of the bureau of motor vehicles, informing the person of 5790  
the suspension, that the suspension will take effect twenty-one 5791  
days from the date of the notice, and that, if the person wishes 5792  
to appeal the suspension or denial, the person must file a 5793  
notice of appeal within twenty-one days of the date of the 5794  
notice requesting a hearing on the matter. If the person 5795  
requests a hearing, the registrar shall hold the hearing not 5796  
more than forty days after receipt by the registrar of the 5797  
notice of appeal. The filing of a notice of appeal does not stay 5798  
the operation of the suspension that must be imposed pursuant to 5799  
this division. The scope of the hearing shall be limited to 5800  
whether the person actually was convicted of or pleaded guilty 5801  
to the offense for which the suspension is to be imposed. 5802

The suspension the registrar is required to impose under 5803  
this division shall end either on the last day of the class D 5804  
suspension period or of the suspension of the person's 5805

nonresident operating privilege imposed by the state or federal 5806  
court, whichever is earlier. 5807

The registrar shall subscribe to or otherwise participate 5808  
in any information system or register, or enter into reciprocal 5809  
and mutual agreements with other states and federal authorities, 5810  
in order to facilitate the exchange of information with other 5811  
states and the United States government regarding persons who 5812  
plead guilty to or are convicted of offenses described in this 5813  
division and therefore are subject to the suspension or denial 5814  
described in this division. 5815

(B) The registrar shall impose a class D suspension of the 5816  
person's driver's license, commercial driver's license, 5817  
temporary instruction permit, probationary license, or 5818  
nonresident operating privilege for the period of time specified 5819  
in division (B) (4) of section 4510.02 of the Revised Code on any 5820  
person who is a resident of this state and is convicted of or 5821  
pleads guilty to a violation of a statute of any other state or 5822  
a municipal ordinance of a municipal corporation located in any 5823  
other state that is substantially similar to section 4511.19 of 5824  
the Revised Code. Upon receipt of a report from another state 5825  
made pursuant to section 4510.61 of the Revised Code indicating 5826  
that a resident of this state was convicted of or pleaded guilty 5827  
to an offense described in this division, the registrar shall 5828  
send a notice by regular first class mail to the person, at the 5829  
person's last known address as shown in the records of the 5830  
bureau of motor vehicles, informing the person of the 5831  
suspension, that the suspension or denial will take effect 5832  
twenty-one days from the date of the notice, and that, if the 5833  
person wishes to appeal the suspension, the person must file a 5834  
notice of appeal within twenty-one days of the date of the 5835  
notice requesting a hearing on the matter. If the person 5836

requests a hearing, the registrar shall hold the hearing not 5837  
more than forty days after receipt by the registrar of the 5838  
notice of appeal. The filing of a notice of appeal does not stay 5839  
the operation of the suspension that must be imposed pursuant to 5840  
this division. The scope of the hearing shall be limited to 5841  
whether the person actually was convicted of or pleaded guilty 5842  
to the offense for which the suspension is to be imposed. 5843

The suspension the registrar is required to impose under 5844  
this division shall end either on the last day of the class D 5845  
suspension period or of the suspension of the person's 5846  
nonresident operating privilege imposed by the state or federal 5847  
court, whichever is earlier. 5848

(C) The registrar shall impose a class D suspension of the 5849  
child's driver's license, commercial driver's license, temporary 5850  
instruction permit, or nonresident operating privilege for the 5851  
period of time specified in division (B) (4) of section 4510.02 5852  
of the Revised Code on any child who is a resident of this state 5853  
and is convicted of or pleads guilty to a violation of a statute 5854  
of any other state or any federal statute that is substantially 5855  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5856  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 5857  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 5858  
Code, provided the child's license, permit, or privilege is 5859  
required to be suspended had the offense occurred in this state. 5860  
Upon receipt of a report from a court, court clerk, or other 5861  
official of any other state or from any federal authority that a 5862  
child who is a resident of this state was convicted of or 5863  
pleaded guilty to an offense described in this division, the 5864  
registrar shall send a notice by regular first class mail to the 5865  
child, at the child's last known address as shown in the records 5866  
of the bureau of motor vehicles, informing the child of the 5867

suspension, that the suspension or denial will take effect 5868  
twenty-one days from the date of the notice, and that, if the 5869  
child wishes to appeal the suspension, the child must file a 5870  
notice of appeal within twenty-one days of the date of the 5871  
notice requesting a hearing on the matter. If the child requests 5872  
a hearing, the registrar shall hold the hearing not more than 5873  
forty days after receipt by the registrar of the notice of 5874  
appeal. The filing of a notice of appeal does not stay the 5875  
operation of the suspension that must be imposed pursuant to 5876  
this division. The scope of the hearing shall be limited to 5877  
whether the child actually was convicted of or pleaded guilty to 5878  
the offense for which the suspension is to be imposed. 5879

The suspension the registrar is required to impose under 5880  
this division shall end either on the last day of the class D 5881  
suspension period or of the suspension of the child's 5882  
nonresident operating privilege imposed by the state or federal 5883  
court, whichever is earlier. If the child is a resident of this 5884  
state who is sixteen years of age or older and does not have a 5885  
current, valid Ohio driver's or commercial driver's license or 5886  
permit, the notice shall inform the child that the child will be 5887  
denied issuance of a driver's or commercial driver's license or 5888  
permit for six months beginning on the date of the notice. If 5889  
the child has not attained the age of sixteen years on the date 5890  
of the notice, the notice shall inform the child that the period 5891  
of denial of six months shall commence on the date the child 5892  
attains the age of sixteen years. 5893

The registrar shall subscribe to or otherwise participate 5894  
in any information system or register, or enter into reciprocal 5895  
and mutual agreements with other states and federal authorities, 5896  
in order to facilitate the exchange of information with other 5897  
states and the United States government regarding children who 5898

are residents of this state and plead guilty to or are convicted 5899  
of offenses described in this division and therefore are subject 5900  
to the suspension or denial described in this division. 5901

(D) The registrar shall impose a class D suspension of the 5902  
child's driver's license, commercial driver's license, temporary 5903  
instruction permit, probationary license, or nonresident 5904  
operating privilege for the period of time specified in division 5905  
(B) (4) of section 4510.02 of the Revised Code on any child who 5906  
is a resident of this state and is convicted of or pleads guilty 5907  
to a violation of a statute of any other state or a municipal 5908  
ordinance of a municipal corporation located in any other state 5909  
that is substantially similar to section 4511.19 of the Revised 5910  
Code. Upon receipt of a report from another state made pursuant 5911  
to section 4510.61 of the Revised Code indicating that a child 5912  
who is a resident of this state was convicted of or pleaded 5913  
guilty to an offense described in this division, the registrar 5914  
shall send a notice by regular first class mail to the child, at 5915  
the child's last known address as shown in the records of the 5916  
bureau of motor vehicles, informing the child of the suspension, 5917  
that the suspension will take effect twenty-one days from the 5918  
date of the notice, and that, if the child wishes to appeal the 5919  
suspension, the child must file a notice of appeal within 5920  
twenty-one days of the date of the notice requesting a hearing 5921  
on the matter. If the child requests a hearing, the registrar 5922  
shall hold the hearing not more than forty days after receipt by 5923  
the registrar of the notice of appeal. The filing of a notice of 5924  
appeal does not stay the operation of the suspension that must 5925  
be imposed pursuant to this division. The scope of the hearing 5926  
shall be limited to whether the child actually was convicted of 5927  
or pleaded guilty to the offense for which the suspension is to 5928  
be imposed. 5929



The suspension the registrar is required to impose under 5930  
this division shall end either on the last day of the class D 5931  
suspension period or of the suspension of the child's 5932  
nonresident operating privilege imposed by the state or federal 5933  
court, whichever is earlier. If the child is a resident of this 5934  
state who is sixteen years of age or older and does not have a 5935  
current, valid Ohio driver's or commercial driver's license or 5936  
permit, the notice shall inform the child that the child will be 5937  
denied issuance of a driver's or commercial driver's license or 5938  
permit for six months beginning on the date of the notice. If 5939  
the child has not attained the age of sixteen years on the date 5940  
of the notice, the notice shall inform the child that the period 5941  
of denial of six months shall commence on the date the child 5942  
attains the age of sixteen years. 5943

(E) (1) Any person whose license or permit has been 5944  
suspended pursuant to this section may file a petition in the 5945  
municipal or county court, or in case the person is under 5946  
eighteen years of age, the juvenile court, in whose jurisdiction 5947  
the person resides, requesting limited driving privileges and 5948  
agreeing to pay the cost of the proceedings. Except as provided 5949  
in division (E) (2) or (3) of this section, the judge may grant 5950  
the person limited driving privileges during the period during 5951  
which the suspension otherwise would be imposed for any of the 5952  
purposes set forth in division (A) of section 4510.021 of the 5953  
Revised Code. 5954

(2) No judge shall grant limited driving privileges for 5955  
employment as a driver of a commercial motor vehicle to any 5956  
person who would be disqualified from operating a commercial 5957  
motor vehicle under section 4506.16 of the Revised Code if the 5958  
violation had occurred in this state. Further, no judge shall 5959  
grant limited driving privileges during any of the following 5960

periods of time: 5961

(a) The first fifteen days of a suspension under division 5962  
(B) or (D) of this section, if the person has not been convicted 5963  
within ten years of the date of the offense giving rise to the 5964  
suspension under this section of a violation of any of the 5965  
following: 5966

(i) Division (A) of section 4511.19 of the Revised Code, 5967  
or a municipal ordinance relating to operating a vehicle while 5968  
under the influence of alcohol, a drug of abuse, or alcohol and 5969  
a drug of abuse; 5970

(ii) A municipal ordinance relating to operating a motor 5971  
vehicle with a prohibited concentration of alcohol, a controlled 5972  
substance, or a metabolite of a controlled substance in the 5973  
whole blood, blood serum or plasma, breath, or urine; 5974

(iii) Section 2903.04 of the Revised Code in a case in 5975  
which the person was subject to the sanctions described in 5976  
division (D) of that section; 5977

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 5978  
of section 2903.08 of the Revised Code or a municipal ordinance 5979  
that is substantially similar to either of those divisions; 5980

(v) Division (A) (2), (3), or (4) of section 2903.06, 5981  
division (A) (2) of section 2903.08, or as it existed prior to 5982  
March 23, 2000, section 2903.07 of the Revised Code, or a 5983  
municipal ordinance that is substantially similar to any of 5984  
those divisions or that former section, in a case in which the 5985  
jury or judge found that the person was under the influence of 5986  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 5987

(b) The first thirty days of a suspension under division 5988  
(B) or (D) of this section, if the person has been convicted one 5989

time within ten years of the date of the offense giving rise to 5990  
the suspension under this section of any violation identified in 5991  
division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 5992

(c) The first one hundred eighty days of a suspension 5993  
under division (B) or (D) of this section, if the person has 5994  
been convicted two times within ten years of the date of the 5995  
offense giving rise to the suspension under this section of any 5996  
violation identified in division ~~(E) (1) (a)~~ (E) (2) (a) of this 5997  
section. 5998

(3) No limited driving privileges may be granted if the 5999  
person has been convicted three or more times within five years 6000  
of the date of the offense giving rise to a suspension under 6001  
division (B) or (D) of this section of any violation identified 6002  
in division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 6003

(4) In accordance with section 4510.022 of the Revised 6004  
Code, a person may petition for, and a judge may grant, 6005  
unlimited driving privileges with a certified ignition interlock 6006  
device during the period of suspension imposed under division 6007  
(B) or (D) of this section to a person described in division (E) 6008  
(2) (a) of this section. 6009

(5) If a person petitions for limited driving privileges 6010  
under division (E) (1) of this section or unlimited driving 6011  
privileges with a certified ignition interlock device as 6012  
provided in division (E) (4) of this section, the registrar shall 6013  
be represented by the county prosecutor of the county in which 6014  
the person resides if the petition is filed in a juvenile court 6015  
or county court, except that if the person resides within a city 6016  
or village that is located within the jurisdiction of the county 6017  
in which the petition is filed, the city director of law or 6018  
village solicitor of that city or village shall represent the 6019

registrar. If the petition is filed in a municipal court, the 6020  
registrar shall be represented as provided in section 1901.34 of 6021  
the Revised Code. 6022

(6) (a) In issuing an order granting limited driving 6023  
privileges under division (E) (1) of this section, the court may 6024  
impose any condition it considers reasonable and necessary to 6025  
limit the use of a vehicle by the person. The court shall 6026  
deliver to the person a copy of the order setting forth the 6027  
time, place, and other conditions limiting the person's use of a 6028  
motor vehicle. Unless division (E) (6) (b) of this section 6029  
applies, the grant of limited driving privileges shall be 6030  
conditioned upon the person's having the order in the person's 6031  
possession at all times during which the person is operating a 6032  
vehicle. 6033

(b) If, under the order, the court requires the use of an 6034  
immobilizing or disabling device as a condition of the grant of 6035  
limited or unlimited driving privileges, the person shall 6036  
present to the registrar or to a deputy registrar the copy of 6037  
the order granting limited driving privileges and a certificate 6038  
affirming the installation of an immobilizing or disabling 6039  
device that is in a form established by the director of public 6040  
safety and is signed by the person who installed the device. 6041  
Upon presentation of the order and the certificate to the 6042  
registrar or a deputy registrar, the registrar or deputy 6043  
registrar shall issue to the offender a restricted license, 6044  
unless the offender's driver's or commercial driver's license or 6045  
permit is suspended under any other provision of law and limited 6046  
driving privileges have not been granted with regard to that 6047  
suspension. A restricted license issued under this division 6048  
shall be identical to an Ohio driver's license, except that it 6049  
shall have printed on its face a statement that the offender is 6050

prohibited from operating any motor vehicle that is not equipped 6051  
with an immobilizing or disabling device in violation of the 6052  
order. 6053

(7) (a) Unless division (E) (7) (b) applies, a person granted 6054  
limited driving privileges who operates a vehicle for other than 6055  
limited purposes, in violation of any condition imposed by the 6056  
court or without having the order in the person's possession, is 6057  
guilty of a violation of section 4510.11 of the Revised Code. 6058

(b) No person who has been granted limited or unlimited 6059  
driving privileges under division (E) of this section subject to 6060  
an immobilizing or disabling device order shall operate a motor 6061  
vehicle prior to obtaining a restricted license. Any person who 6062  
violates this prohibition is subject to the penalties prescribed 6063  
in section 4510.14 of the Revised Code. 6064

(c) The offenses established under division (E) (7) of this 6065  
section are strict liability offenses and section 2901.20 of the 6066  
Revised Code does not apply. 6067

(F) The provisions of division (A) (8) of section 4510.13 6068  
of the Revised Code apply to a person who has been granted 6069  
limited or unlimited driving privileges with a certified 6070  
ignition interlock device under this section and who either 6071  
commits an ignition interlock device violation as defined under 6072  
section 4510.46 of the Revised Code or operates a motor vehicle 6073  
that is not equipped with a certified ignition interlock device. 6074

(G) Any person whose license or permit has been suspended 6075  
under division (A) or (C) of this section may file a petition in 6076  
the municipal or county court, or in case the person is under 6077  
eighteen years of age, the juvenile court, in whose jurisdiction 6078  
the person resides, requesting the termination of the suspension 6079

and agreeing to pay the cost of the proceedings. If the court, 6080  
in its discretion, determines that a termination of the 6081  
suspension is appropriate, the court shall issue an order to the 6082  
registrar to terminate the suspension. Upon receiving such an 6083  
order, the registrar shall reinstate the license. 6084

(H) As used in divisions (C) and (D) of this section: 6085

(1) "Child" means a person who is under the age of 6086  
eighteen years, except that any person who violates a statute or 6087  
ordinance described in division (C) or (D) of this section prior 6088  
to attaining eighteen years of age shall be deemed a "child" 6089  
irrespective of the person's age at the time the complaint or 6090  
other equivalent document is filed in the other state or a 6091  
hearing, trial, or other proceeding is held in the other state 6092  
on the complaint or other equivalent document, and irrespective 6093  
of the person's age when the period of license suspension or 6094  
denial prescribed in division (C) or (D) of this section is 6095  
imposed. 6096

(2) "Is convicted of or pleads guilty to" means, as it 6097  
relates to a child who is a resident of this state, that in a 6098  
proceeding conducted in a state or federal court located in 6099  
another state for a violation of a statute or ordinance 6100  
described in division (C) or (D) of this section, the result of 6101  
the proceeding is any of the following: 6102

(a) Under the laws that govern the proceedings of the 6103  
court, the child is adjudicated to be or admits to being a 6104  
delinquent child or a juvenile traffic offender for a violation 6105  
described in division (C) or (D) of this section that would be a 6106  
crime if committed by an adult; 6107

(b) Under the laws that govern the proceedings of the 6108

court, the child is convicted of or pleads guilty to a violation 6109  
described in division (C) or (D) of this section; 6110

(c) Under the laws that govern the proceedings of the 6111  
court, irrespective of the terminology utilized in those laws, 6112  
the result of the court's proceedings is the functional 6113  
equivalent of division (H) (2) (a) or (b) of this section. 6114

**Sec. 4510.22.** (A) If a person who has a current valid Ohio 6115  
driver's, commercial driver's license, or temporary instruction 6116  
permit is charged with a violation of any provision in sections 6117  
4503.11, 4503.12, 4503.182, 4503.21, 4507.02, 4507.05, 4507.35, 6118  
4510.11, 4510.111, 4510.12, 4510.16, 4510.21, 4511.01 to 6119  
4511.76, 4511.81, 4511.82, 4511.84, 4513.01 to 4513.65, or 6120  
4549.01 to 4549.65 of the Revised Code or with a violation of 6121  
any substantially equivalent municipal ordinance and if the 6122  
person ~~either~~ fails to appear in court at the required time and 6123  
place to answer the charge ~~or pleads guilty to or is found~~ 6124  
~~guilty of the violation and fails within the time allowed by the~~ 6125  
~~court to pay the fine imposed by the court,~~ the court may 6126  
declare the forfeiture of the person's license. Thirty days 6127  
after such a declaration of forfeiture, the court shall inform 6128  
the registrar of motor vehicles of the forfeiture by entering 6129  
information relative to the forfeiture on a form approved and 6130  
furnished by the registrar and sending the form to the 6131  
registrar. The court also shall forward the person's license, if 6132  
it is in the possession of the court, to the registrar. 6133

The registrar shall impose a class F suspension of the 6134  
person's driver's or commercial driver's license, or temporary 6135  
instruction permit for the period of time specified in division 6136  
(B) (6) of section 4510.02 of the Revised Code on any person who 6137  
is named in a declaration received by the registrar under this 6138

section. The registrar shall send written notification of the 6139  
suspension to the person at the person's last known address and, 6140  
if the person is in possession of the license, order the person 6141  
to surrender the person's license or permit to the registrar 6142  
within forty-eight hours. 6143

No valid driver's or commercial driver's license shall be 6144  
granted to the person after the suspension, unless the court 6145  
having jurisdiction of the offense that led to the suspension 6146  
orders that the forfeiture be terminated. The court shall order 6147  
the termination of the forfeiture if the person thereafter 6148  
appears to answer the charge ~~and pays any fine imposed by the~~ 6149  
~~court or pays the fine originally imposed by the court.~~ The 6150  
court shall inform the registrar of the termination of the 6151  
forfeiture by entering information relative to the termination 6152  
on a form approved and furnished by the registrar and sending 6153  
the form to the registrar. The person shall pay to the registrar 6154  
of motor vehicles or an eligible deputy registrar a twenty-five- 6155  
dollar reinstatement fee. In addition, each deputy registrar 6156  
shall collect a service fee of ten dollars to compensate the 6157  
deputy registrar for services performed under this section. The 6158  
deputy registrar shall retain eight dollars of the service fee 6159  
and shall transmit the reinstatement fee, plus two dollars of 6160  
the service fee, to the registrar in the manner the registrar 6161  
shall determine. The registrar shall deposit fifteen dollars of 6162  
the reinstatement fee into the state treasury to the credit of 6163  
the public safety - highway purposes fund created by section 6164  
4501.06 of the Revised Code to cover the costs of the bureau in 6165  
administering this section and shall deposit ten dollars of the 6166  
fee into the state treasury to the credit of the indigent 6167  
defense support fund created by section 120.08 of the Revised 6168  
Code. 6169



(B) In addition to suspending the driver's or commercial 6170  
driver's license or permit of the person named in a declaration 6171  
of forfeiture, the registrar, upon receipt from the court of the 6172  
copy of the declaration of forfeiture, shall take any measures 6173  
that may be necessary to ensure that neither the registrar nor 6174  
any deputy registrar accepts any application for the 6175  
registration or transfer of registration of any motor vehicle 6176  
owned or leased by the person named in the declaration of 6177  
forfeiture. However, for a motor vehicle leased by a person 6178  
named in a declaration of forfeiture, the registrar shall not 6179  
implement the preceding sentence until the registrar adopts 6180  
procedures for that implementation under section 4503.39 of the 6181  
Revised Code. The period of denial of registration or transfer 6182  
shall continue until such time as the court having jurisdiction 6183  
of the offense that led to the suspension orders the forfeiture 6184  
be terminated. Upon receipt by the registrar of an order 6185  
terminating the forfeiture, the registrar also shall take any 6186  
measures that may be necessary to permit the person to register 6187  
a motor vehicle owned or leased by the person or to transfer the 6188  
registration of such a motor vehicle, if the person later makes 6189  
application to take such action and otherwise is eligible to 6190  
register the motor vehicle or to transfer its registration. 6191

The registrar shall not be required to give effect to any 6192  
declaration of forfeiture or order terminating a forfeiture 6193  
provided by a court under this section unless the information 6194  
contained in the declaration or order is transmitted to the 6195  
registrar by means of an electronic transfer system. The 6196  
registrar shall not restore the person's driving or vehicle 6197  
registration privileges until the person pays the reinstatement 6198  
fee as provided in this section. 6199

~~The period of denial relating to the issuance or transfer~~ 6200

~~of a certificate of registration for a motor vehicle imposed 6201~~  
~~pursuant to this division remains in effect until the person 6202~~  
~~pays any fine imposed by the court relative to the offense. 6203~~

**Section 2.** That existing sections 1901.44, 1905.202, 6204  
1907.25, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 6205  
2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 6206  
2925.32, 2925.36, 2925.37, 2935.26, 2935.27, 2937.40, 2947.09, 6207  
3123.54, 3123.56, 3123.58, 3321.13, 3321.191, 4501.06, 4503.10, 6208  
4503.102, 4503.12, 4503.20, 4503.39, 4507.212, 4509.101, 6209  
4509.45, 4509.66, 4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 6210  
4510.16, 4510.17, and 4510.22 of the Revised Code are hereby 6211  
repealed. 6212

**Section 3.** That sections 2937.221 and 4510.32 of the 6213  
Revised Code are hereby repealed. 6214

**Section 4.** (A) An offender who received a suspension of 6215  
the offender's temporary instruction permit or driver's license 6216  
or a denial of the opportunity to obtain a permit or license 6217  
under section 4510.32 of the Revised Code, as it existed prior 6218  
to the effective date of this section, may file a motion with 6219  
the juvenile court in whose jurisdiction the offender resides 6220  
requesting the termination of the suspension or denial. 6221

(B) Upon the filing of a motion under this section, the 6222  
juvenile court, in its discretion, may order the registrar of 6223  
motor vehicles to terminate the suspension or terminate the 6224  
denial of the opportunity to obtain a permit or license. If so 6225  
ordered, the registrar shall do all of the following: 6226

(1) Cancel the record created for the offender regarding 6227  
the suspension or denial of the offender's opportunity to obtain 6228  
a permit or license; 6229

(2) Terminate the suspension of the offender's permit or license or the denial of the offender's opportunity to obtain a permit or license;

(3) Return the driver's license or permit to the offender or reissue the offender's license or permit under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license or permit under that section.

**Section 5.** (A) Not later than thirty days after the effective date of this section, the Registrar of Motor Vehicles shall remove any suspensions of an individual's driver's license or motor vehicle registration that were imposed under section 4510.22 of the Revised Code, prior to the effective date of this section, for failure to pay a court fine or fee.

(B) Not later than thirty days after the effective date of this section, the Registrar shall create a list of individuals whose driver's license or motor vehicle registration is suspended under section 2935.27 of the Revised Code for failure to pay a court fine or fee. The Registrar shall notify the courts that suspended those individuals' driver's licenses or motor vehicle registrations of the individuals' names and suspension. The courts shall order the Registrar to remove the suspensions associated with section 2935.27 of the Revised Code for those individuals.

(C) The Registrar shall not charge any fees, including reinstatement fees, associated with the reinstatement of a driver's license or motor vehicle registration under this section.

(D) (1) An individual whose driver's license suspension or motor vehicle registration suspension is removed under division

(A) or (B) of this section may have that individual's driver's license or motor vehicle registration reinstated at a deputy registrar office, provided that the individual's driver's license or motor vehicle registration is not also suspended for any other offense.

(2) If an individual's driver's license or motor vehicle registration is suspended for another offense, once the individual's license or registration is eligible for reinstatement, that individual may apply for reinstatement and shall not be required to pay any fees, including reinstatement fees, associated with the suspension removed under division (A) or (B) of this section. The individual may still be required to pay reinstatement fees associated with the other offense for which the individual's driver's license or motor vehicle registration was suspended.

(E) The Registrar shall notify any individual impacted by this section of the terms of the removal of driver's license and motor vehicle registration suspensions under this section and the process by which to reinstate the individual's driver's license or motor vehicle registration.

**Section 6.** (A) Not later than thirty days after the effective date of this section, the Registrar of Motor Vehicles shall remove any remaining driver's license suspensions that were imposed as a result of the Financial Responsibility Random Verification Program. That Program was eliminated through H.B. 62 of the 133rd General Assembly, effective July 3, 2019. The Registrar shall not charge any fees, including reinstatement fees, associated with the reinstatement of a driver's license that was suspended as a result of that Program.

(B) (1) A person whose driver's license suspension is

removed under division (A) of this section may have that 6289  
person's driver's license reinstated at a deputy registrar 6290  
office, provided that person's driver's license is not also 6291  
suspended for any other offense. 6292

(2) If a person's driver's license is suspended for 6293  
another offense, once the person's license is eligible for 6294  
reinstatement, that person may apply for reinstatement and shall 6295  
not be required to pay any fees, including reinstatement fees, 6296  
associated with the Program. The person may still be required to 6297  
pay reinstatement fees associated with the other offense for 6298  
which the person's driver's license was suspended. 6299

(C) The Registrar shall notify any person impacted by this 6300  
section of the terms of the removal of driver's license 6301  
suspensions associated with the Financial Responsibility Random 6302  
Verification Program and the process by which to reinstate the 6303  
person's driver's license. 6304

**Section 7.** The General Assembly, applying the principle 6305  
stated in division (B) of section 1.52 of the Revised Code that 6306  
amendments are to be harmonized if reasonably capable of 6307  
simultaneous operation, finds that the following sections, 6308  
presented in this act as composites of the sections as amended 6309  
by the acts indicated, are the resulting versions of the 6310  
sections in effect prior to the effective date of the sections 6311  
as presented in this act: 6312

Section 2925.04 of the Revised Code as amended by both 6313  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6314

Section 2925.05 of the Revised Code as amended by both 6315  
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6316