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Sub. S. B. No. 37

Senators Blessing, Ingram

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

**Representatives Brennan, Brewer, Carruthers, Dobos, Ghanbari, Mathews, Miller,
J., Miller, K., Patton, Robb Blasdel, Rogers, Russo, Schmidt, Seitz**

A BILL

To amend sections 109.804, 124.11, 124.30, 2925.02, 1
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2
2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 3
2925.23, 2925.31, 2925.32, 2925.36, 2925.37, 4
2935.26, 2935.27, 2937.40, 3123.54, 3123.56, 5
3123.58, 3321.13, 3321.191, 4501.06, 4503.038, 6
4503.10, 4503.102, 4503.12, 4503.19, 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, 4511.62, 4511.63, 4511.64, and 10
5502.68; to enact sections 109.791, 341.261, 11
737.061, 753.321, 2929.33, 4503.261, 4503.262, 12
4765.163, and 5120.631; and to repeal sections 13
2937.221 and 4510.32 of the Revised Code to make 14
changes to the laws governing public safety and 15
transportation. 16

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

Section 1. That sections 109.804, 124.11, 124.30, 2925.02, 17
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 18
2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, 19
2925.37, 2935.26, 2935.27, 2937.40, 3123.54, 3123.56, 3123.58, 20
3321.13, 3321.191, 4501.06, 4503.038, 4503.10, 4503.102, 21
4503.12, 4503.19, 4503.20, 4503.39, 4507.212, 4509.101, 4509.45, 22
4509.66, 4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 4510.16, 23
4510.17, 4511.62, 4511.63, 4511.64, and 5502.68 be amended and 24
sections 109.791, 341.261, 737.061, 753.321, 2929.33, 4503.261, 25
4503.262, 4765.163, and 5120.631 of the Revised Code be enacted 26
to read as follows: 27

Sec. 109.791. The Ohio peace officer training commission 28
may establish and conduct police officer training courses in 29
addition to those specified in section 109.79 of the Revised 30
Code to be offered to a law enforcement officer at or above the 31
rank of sergeant. 32

Sec. 109.804. (A) (1) The Ohio peace officer training 33
commission shall develop and ~~conduct~~provide a chief of police 34
training course lasting forty hours for newly appointed chiefs 35
of police appointed on or after January 1, 2018. The commission 36
shall determine the course topics, which shall include diversity 37
training with an emphasis on historical perspectives and 38
community-police relations, and shall establish criteria for 39
what constitutes successful completion of the course. The 40
commission shall conduct the course at ~~the Ohio peace officer~~ 41
~~training academy~~ locations determined by the commission and in a 42
manner prescribed by the commission. The commission shall offer 43
the course at least semiannually. 44

(2) The executive director of the commission shall issue a 45
certificate of completion of a training program required under 46

this section in accordance with Chapter 4796. of the Revised 47
Code to a newly appointed chief of police if either of the 48
following applies: 49

(a) The person holds a certificate of completion of such a 50
program in another state. 51

(b) The person has satisfactory work experience, a 52
government certification, or a private certification as 53
described in that chapter as a chief of police in a state that 54
does not require completion of such a training program. 55

(B) A newly appointed chief of police may request an 56
equivalency exemption from ~~a portion~~ eight hours of the forty 57
hours of the chief of police training course, on topics approved 58
by the executive director, by submitting to the Ohio peace 59
officer training commission, ~~not more than ten calendar days~~ 60
~~following the person's appointment as a chief of police,~~ 61
evidence of training or qualification in the subject area of the 62
exempted ~~portion~~ topics. 63

A request for equivalency exemption by the newly appointed 64
chief of police shall be provided to the commission not later 65
than fourteen calendar days before the beginning of the course. 66

(C) Upon presentation of evidence by a newly appointed 67
chief of police that because of a medical disability or other 68
good cause the newly appointed chief of police is unable to 69
complete the chief of police training course, the Ohio peace 70
officer training commission may defer the requirement for the 71
newly appointed chief of police to complete the chief of police 72
training course until the disability or cause terminates. 73

(D) A newly appointed chief of police appointed on or 74
after January 1, 2018, shall attend a chief of police training 75

course conducted by the Ohio peace officer training commission 76
pursuant to division (A) of this section not later than six 77
months after the person's appointment as a chief of police. 78
While attending the chief of police training course, a newly 79
appointed chief of police shall receive compensation in the same 80
manner and amounts as if carrying out the powers and duties of 81
the office of chief of police. The costs of conducting the chief 82
of police training course shall be paid from state funds 83
appropriated to the attorney general. The cost of meals, 84
lodging, and travel of a newly appointed chief of police 85
attending the chief of police training course shall be paid from 86
the budget of the entity for which the newly appointed chief of 87
police was appointed. 88

(E) As used in this section: 89

"Newly appointed chief of police" means a person appointed 90
chief of police under section 505.49, 737.05, or 737.15 of the 91
Revised Code or any administrative official that is responsible 92
for the daily administration and supervision of peace officers 93
in a law enforcement agency who ~~did not hold the office has~~ 94
never held the full-time position of chief of police on the date 95
before the person was appointed chief of police. 96

"Law enforcement agency" means a municipal or township 97
police department, or any other entity authorized by statute to 98
appoint peace officers to enforce criminal laws and who have the 99
statutory power of arrest. "Law enforcement agency" does not 100
include a county sheriff's office, the state highway patrol, or 101
the bureau of criminal identification and investigation. 102

Sec. 124.11. The civil service of the state and the 103
several counties, cities, civil service townships, city health 104
districts, general health districts, and city school districts 105

of the state shall be divided into the unclassified service and	106
the classified service.	107
(A) The unclassified service shall comprise the following	108
positions, which shall not be included in the classified	109
service, and which shall be exempt from all examinations	110
required by this chapter:	111
(1) All officers elected by popular vote or persons	112
appointed to fill vacancies in those offices;	113
(2) All election officers as defined in section 3501.01 of	114
the Revised Code;	115
(3) (a) The members of all boards and commissions, and	116
heads of principal departments, boards, and commissions	117
appointed by the governor or by and with the governor's consent;	118
(b) The heads of all departments appointed by a board of	119
county commissioners;	120
(c) The members of all boards and commissions and all	121
heads of departments appointed by the mayor, or, if there is no	122
mayor, such other similar chief appointing authority of any city	123
or city school district;	124
Except as otherwise provided in division (A) (17) or (C) of	125
this section, this chapter does not exempt the chiefs of police	126
departments and chiefs of fire departments of cities or civil	127
service townships from the competitive classified service.	128
(4) The members of county or district licensing boards or	129
commissions and boards of revision, and not more than five	130
deputy county auditors;	131
(5) All officers and employees elected or appointed by	132
either or both branches of the general assembly, and employees	133

of the city legislative authority engaged in legislative duties;	134
(6) All commissioned, warrant, and noncommissioned	135
officers and enlisted persons in the Ohio organized militia,	136
including military appointees in the adjutant general's	137
department;	138
(7) (a) All presidents, business managers, administrative	139
officers, superintendents, assistant superintendents,	140
principals, deans, assistant deans, instructors, teachers, and	141
such employees as are engaged in educational or research duties	142
connected with the public school system, colleges, and	143
universities, as determined by the governing body of the public	144
school system, colleges, and universities;	145
(b) The library staff of any library in the state	146
supported wholly or in part at public expense.	147
(8) Four clerical and administrative support employees for	148
each of the elective state officers, four clerical and	149
administrative support employees for each board of county	150
commissioners and one such employee for each county	151
commissioner, and four clerical and administrative support	152
employees for other elective officers and each of the principal	153
appointive executive officers, boards, or commissions, except	154
for civil service commissions, that are authorized to appoint	155
such clerical and administrative support employees;	156
(9) The deputies and assistants of state agencies	157
authorized to act for and on behalf of the agency, or holding a	158
fiduciary or administrative relation to that agency and those	159
persons employed by and directly responsible to elected county	160
officials or a county administrator and holding a fiduciary or	161
administrative relationship to such elected county officials or	162

county administrator, and the employees of such county officials 163
whose fitness would be impracticable to determine by competitive 164
examination, provided that division (A) (9) of this section shall 165
not affect those persons in county employment in the classified 166
service as of September 19, 1961. Nothing in division (A) (9) of 167
this section applies to any position in a county department of 168
job and family services created pursuant to Chapter 329. of the 169
Revised Code. 170

(10) Bailiffs, constables, official stenographers, and 171
commissioners of courts of record, deputies of clerks of the 172
courts of common pleas who supervise or who handle public moneys 173
or secured documents, and such officers and employees of courts 174
of record and such deputies of clerks of the courts of common 175
pleas as the appointing authority finds it impracticable to 176
determine their fitness by competitive examination; 177

(11) Assistants to the attorney general, special counsel 178
appointed or employed by the attorney general, assistants to 179
county prosecuting attorneys, and assistants to city directors 180
of law; 181

(12) Such teachers and employees in the agricultural 182
experiment stations; such students in normal schools, colleges, 183
and universities of the state who are employed by the state or a 184
political subdivision of the state in student or intern 185
classifications; and such unskilled labor positions as the 186
director of administrative services, with respect to positions 187
in the service of the state, or any municipal civil service 188
commission may find it impracticable to include in the 189
competitive classified service; provided such exemptions shall 190
be by order of the commission or the director, duly entered on 191
the record of the commission or the director with the reasons 192

for each such exemption;	193
(13) Any physician or dentist who is a full-time employee	194
of the department of mental health and addiction services, the	195
department of developmental disabilities, or an institution	196
under the jurisdiction of either department; and physicians who	197
are in residency programs at the institutions;	198
(14) Up to twenty positions at each institution under the	199
jurisdiction of the department of mental health and addiction	200
services or the department of developmental disabilities that	201
the department director determines to be primarily	202
administrative or managerial; and up to fifteen positions in any	203
division of either department, excluding administrative	204
assistants to the director and division chiefs, which are within	205
the immediate staff of a division chief and which the director	206
determines to be primarily and distinctively administrative and	207
managerial;	208
(15) Noncitizens of the United States employed by the	209
state, or its counties or cities, as physicians or nurses who	210
are duly licensed to practice their respective professions under	211
the laws of this state, or medical assistants, in mental or	212
chronic disease hospitals, or institutions;	213
(16) Employees of the governor's office;	214
(17) Fire chiefs and chiefs of police in civil service	215
townships appointed by boards of township trustees under section	216
505.38 or 505.49 of the Revised Code;	217
(18) Executive directors, deputy directors, and program	218
directors employed by boards of alcohol, drug addiction, and	219
mental health services under Chapter 340. of the Revised Code,	220
and secretaries of the executive directors, deputy directors,	221

and program directors;	222
(19) Superintendents, and management employees as defined	223
in section 5126.20 of the Revised Code, of county boards of	224
developmental disabilities;	225
(20) Physicians, nurses, and other employees of a county	226
hospital who are appointed pursuant to sections 339.03 and	227
339.06 of the Revised Code;	228
(21) The executive director of the state medical board,	229
who is appointed pursuant to division (B) of section 4731.05 of	230
the Revised Code;	231
(22) County directors of job and family services as	232
provided in section 329.02 of the Revised Code and	233
administrators appointed under section 329.021 of the Revised	234
Code;	235
(23) A director of economic development who is hired	236
pursuant to division (A) of section 307.07 of the Revised Code;	237
(24) Chiefs of construction and compliance, of operations	238
and maintenance, of worker protection, and of licensing and	239
certification in the division of industrial compliance in the	240
department of commerce;	241
(25) The executive director of a county transit system	242
appointed under division (A) of section 306.04 of the Revised	243
Code;	244
(26) Up to five positions at each of the administrative	245
departments listed in section 121.02 of the Revised Code and at	246
the department of taxation, department of the adjutant general,	247
department of education, Ohio board of regents, bureau of	248
workers' compensation, industrial commission, state lottery	249

commission, opportunities for Ohioans with disabilities agency, 250
and public utilities commission of Ohio that the head of that 251
administrative department or of that other state agency 252
determines to be involved in policy development and 253
implementation. The head of the administrative department or 254
other state agency shall set the compensation for employees in 255
these positions at a rate that is not less than the minimum 256
compensation specified in pay range 41 but not more than the 257
maximum compensation specified in pay range 47 of salary 258
schedule E-2 in section 124.152 of the Revised Code. The 259
authority to establish positions in the unclassified service 260
under division (A) (26) of this section is in addition to and 261
does not limit any other authority that an administrative 262
department or state agency has under the Revised Code to 263
establish positions, appoint employees, or set compensation. 264

(27) Employees of the department of agriculture employed 265
under section 901.09 of the Revised Code; 266

(28) For cities, counties, civil service townships, city 267
health districts, general health districts, and city school 268
districts, the deputies and assistants of elective or principal 269
executive officers authorized to act for and in the place of 270
their principals or holding a fiduciary relation to their 271
principals; 272

(29) Employees who receive intermittent or temporary 273
appointments under division ~~(B)~~ (C) of section 124.30 of the 274
Revised Code; 275

(30) Employees appointed to administrative staff positions 276
for which an appointing authority is given specific statutory 277
authority to set compensation; 278

(31) Employees appointed to highway patrol cadet or	279
highway patrol cadet candidate classifications;	280
(32) <u>Employees appointed to participate in a prospective</u>	281
<u>law enforcement training school under section 737.061 of the</u>	282
<u>Revised Code;</u>	283
<u>(33) Employees placed in the unclassified service by</u>	284
another section of the Revised Code.	285
(B) The classified service shall comprise all persons in	286
the employ of the state and the several counties, cities, city	287
health districts, general health districts, and city school	288
districts of the state, not specifically included in the	289
unclassified service. Upon the creation by the board of trustees	290
of a civil service township civil service commission, the	291
classified service shall also comprise, except as otherwise	292
provided in division (A) (17) or (C) of this section, all persons	293
in the employ of a civil service township police or fire	294
department having ten or more full-time paid employees. The	295
classified service consists of two classes, which shall be	296
designated as the competitive class and the unskilled labor	297
class.	298
(1) The competitive class shall include all positions and	299
employments in the state and the counties, cities, city health	300
districts, general health districts, and city school districts	301
of the state, and, upon the creation by the board of trustees of	302
a civil service township of a township civil service commission,	303
all positions in a civil service township police or fire	304
department having ten or more full-time paid employees, for	305
which it is practicable to determine the merit and fitness of	306
applicants by competitive examinations. Appointments shall be	307
made to, or employment shall be given in, all positions in the	308

competitive class that are not filled by promotion, 309
reinstatement, transfer, or reduction, as provided in this 310
chapter, and the rules of the director of administrative 311
services, by appointment from those certified to the appointing 312
officer in accordance with this chapter. 313

(2) The unskilled labor class shall include ordinary 314
unskilled laborers. Vacancies in the labor class for positions 315
in service of the state shall be filled by appointment from 316
lists of applicants registered by the director or the director's 317
designee. Vacancies in the labor class for all other positions 318
shall be filled by appointment from lists of applicants 319
registered by a commission. The director or the commission, as 320
applicable, by rule, shall require an applicant for registration 321
in the labor class to furnish evidence or take tests as the 322
director or commission considers proper with respect to age, 323
residence, physical condition, ability to labor, honesty, 324
sobriety, industry, capacity, and experience in the work or 325
employment for which application is made. Laborers who fulfill 326
the requirements shall be placed on the eligible list for the 327
kind of labor or employment sought, and preference shall be 328
given in employment in accordance with the rating received from 329
that evidence or in those tests. Upon the request of an 330
appointing officer, stating the kind of labor needed, the pay 331
and probable length of employment, and the number to be 332
employed, the director or commission, as applicable, shall 333
certify from the highest on the list double the number to be 334
employed; from this number, the appointing officer shall appoint 335
the number actually needed for the particular work. If more than 336
one applicant receives the same rating, priority in time of 337
application shall determine the order in which their names shall 338
be certified for appointment. 339

(C) A municipal or civil service township civil service 340
commission may place volunteer firefighters who are paid on a 341
fee-for-service basis in either the classified or the 342
unclassified civil service. 343

(D) (1) This division does not apply to persons in the 344
unclassified service who have the right to resume positions in 345
the classified service under sections 4121.121, 5119.18, 346
5120.38, 5120.381, 5120.382, 5123.08, and 5139.02 of the Revised 347
Code or to cities, counties, or political subdivisions of the 348
state. 349

(2) A person who holds a position in the classified 350
service of the state and who is appointed to a position in the 351
unclassified service shall retain the right to resume the 352
position and status held by the person in the classified service 353
immediately prior to the person's appointment to the position in 354
the unclassified service, regardless of the number of positions 355
the person held in the unclassified service. An employee's right 356
to resume a position in the classified service may only be 357
exercised when an appointing authority demotes the employee to a 358
pay range lower than the employee's current pay range or revokes 359
the employee's appointment to the unclassified service and any 360
of the following apply: 361

(a) That person held a certified position prior to July 1, 362
2007, in the classified service within the appointing 363
authority's agency; 364

(b) That person held a permanent position on or after July 365
1, 2007, in the classified service within the appointing 366
authority's agency, and was appointed to the position in the 367
unclassified service prior to January 1, 2016; 368

(c) That person held a permanent position on or after 369
January 1, 2016, in the classified service within the appointing 370
authority's agency, and is within five years from the effective 371
date of the person's appointment in the unclassified service. 372

(3) An employee forfeits the right to resume a position in 373
the classified service when: 374

(a) The employee is removed from the position in the 375
unclassified service due to incompetence, inefficiency, 376
dishonesty, drunkenness, immoral conduct, insubordination, 377
discourteous treatment of the public, neglect of duty, violation 378
of this chapter or the rules of the director of administrative 379
services, any other failure of good behavior, any other acts of 380
misfeasance, malfeasance, or nonfeasance in office, or 381
conviction of a felony while employed in the civil service; or 382

(b) Upon transfer to a different agency. 383

(4) Reinstatement to a position in the classified service 384
shall be to a position substantially equal to that position in 385
the classified service held previously, as certified by the 386
director of administrative services. If the position the person 387
previously held in the classified service has been placed in the 388
unclassified service or is otherwise unavailable, the person 389
shall be appointed to a position in the classified service 390
within the appointing authority's agency that the director of 391
administrative services certifies is comparable in compensation 392
to the position the person previously held in the classified 393
service. Service in the position in the unclassified service 394
shall be counted as service in the position in the classified 395
service held by the person immediately prior to the person's 396
appointment to the position in the unclassified service. When a 397
person is reinstated to a position in the classified service as 398

provided in this division, the person is entitled to all rights, 399
status, and benefits accruing to the position in the classified 400
service during the person's time of service in the position in 401
the unclassified service. 402

Sec. 124.30. (A) Classified positions in the civil service 403
may be filled without competition as follows: 404

(1) Whenever there are urgent reasons for filling a 405
vacancy in any position in the classified civil service and the 406
director of administrative services is unable to certify to the 407
appointing authority, upon its request, a list of persons 408
eligible for appointment to the position after a competitive 409
examination, the appointing authority may fill the position by 410
noncompetitive examination. 411

A temporary appointment may be made without regard to the 412
rules of sections 124.01 to 124.64 of the Revised Code. Except 413
as otherwise provided in this division, the temporary 414
appointment may not continue longer than one hundred twenty 415
days, and in no case shall successive temporary appointments be 416
made. A temporary appointment longer than one hundred twenty 417
days may be made if necessary by reason of sickness, disability, 418
or other approved leave of absence of regular officers or 419
employees, in which case it may continue during the period of 420
sickness, disability, or other approved leave of absence, 421
subject to the rules of the director. 422

(2) In case of a vacancy in a position in the classified 423
civil service where peculiar and exceptional qualifications of a 424
scientific, managerial, professional, or educational character 425
are required, and upon satisfactory evidence that for specified 426
reasons competition in this special case is impracticable and 427
that the position can best be filled by a selection of some 428

designated person of high and recognized attainments in those 429
qualities, the director may suspend the provisions of sections 430
124.01 to 124.64 of the Revised Code that require competition in 431
this special case, but no suspension shall be general in its 432
application. All such cases of suspension shall be reported in 433
the annual report of the director with the reasons for each 434
suspension. The director shall suspend the provisions when 435
either of the following applies: 436

(a) The director of job and family services provides the 437
certification under section 5101.051 of the Revised Code that a 438
position with the department of job and family services can best 439
be filled if the provisions are suspended; 440

(b) The medicaid director provides the certification under 441
section 5160.051 of the Revised Code that a position with the 442
department of medicaid can best be filled if the provisions are 443
suspended. 444

(3) Except as provided in division (D) of this section, in 445
case of a vacancy in a position in the classified civil service 446
in a police department, on satisfactory evidence that for 447
specified reasons competition in this special case is 448
impracticable and that the position can best be filled by a 449
selection of some designated person holding a specialized 450
certification, possessing peculiar and exceptional 451
qualifications, or having completed a police cadet training 452
program through the police department, the director of 453
administrative services may suspend the provisions of sections 454
124.01 to 124.64 of the Revised Code that require competition in 455
this special case, but no suspension shall be general in its 456
application. 457

(B) The acceptance or refusal by an eligible person of a 458

temporary appointment under division (A) (1) of this section 459
shall not affect the person's standing on the eligible list for 460
permanent appointment, nor shall the period of temporary service 461
be counted as a part of the probationary service in case of 462
subsequent appointment to a permanent position. 463

~~(B)~~ (C) Persons who receive temporary or intermittent 464
appointments under division (A) (1) of this section are in the 465
unclassified civil service and serve at the pleasure of their 466
appointing authority. 467

(D) Division (A) (3) of this section does not apply to a 468
vacancy in a position in the classified civil service in a 469
police department that must be filled by promotion as prescribed 470
in section 124.44 of the Revised Code. 471

Sec. 341.261. (A) As used in this section: 472

(1) "County correctional facility" means a county jail, 473
county workhouse, minimum security jail, joint city and county 474
workhouse, municipal-county correctional center, multicounty- 475
municipal correctional center, municipal-county jail or 476
workhouse, or multicounty-municipal jail or workhouse. 477

(2) "Emergency" includes any of the following: 478

(a) Riots or inmate uprisings; 479

(b) Escapes or attempted escapes; 480

(c) Staff shortages or strikes; 481

(d) Outbreaks of contagious diseases; 482

(e) Incidents of suicide or self-harm; 483

(f) Gang-related violence or conflicts within the inmate 484
population; 485

<u>(g) Natural disasters;</u>	486
<u>(h) Hostage situations.</u>	487
<u>(3) "Female" means of or denoting the sex that can bear</u>	488
<u>offspring or produce eggs and has XX chromosomes, distinguished</u>	489
<u>biologically by the production of gametes or ova that can be</u>	490
<u>fertilized by male gametes.</u>	491
<u>(4) "Feminine hygiene products" means tampons and sanitary</u>	492
<u>napkins that are used for the menstrual cycle.</u>	493
<u>(B) Each county correctional facility housing female</u>	494
<u>inmates shall provide inmates experiencing a menstrual cycle</u>	495
<u>with an adequate supply based on individualized need, in</u>	496
<u>perpetuity and without reprimand, of feminine hygiene products</u>	497
<u>in a variety of sizes at no cost to the inmates.</u>	498
<u>(C) Each county correctional facility housing female</u>	499
<u>inmates shall have a written policy and procedure in place that</u>	500
<u>does all of the following:</u>	501
<u>(1) Protects inmates from the denial of feminine hygiene</u>	502
<u>products based on race, sex, income status, degree of charge,</u>	503
<u>disability status, or any other type of discriminatory identity;</u>	504
<u>(2) Establishes proper methods of storing, administering,</u>	505
<u>and disposing of feminine hygiene products;</u>	506
<u>(3) Establishes sanitary and safe procedures for hand</u>	507
<u>washing and cleaning of surfaces between restrooms and the</u>	508
<u>designated area for disposal bins.</u>	509
<u>(D) Each county correctional facility housing female</u>	510
<u>inmates shall provide a separate disposal container with a lid</u>	511
<u>in a safe, designated area for use by inmates experiencing a</u>	512
<u>menstrual cycle within the facility to dispose of used, soiled,</u>	513

or damaged feminine hygiene products. 514

(E) No county correctional facility housing female inmates shall deny inmates access to feminine hygiene products. 515
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(F) Except when the county correctional facility is experiencing an emergency, each county correctional facility housing female inmates shall provide inmates experiencing menstruation a minimum of one shower per day with access to hot water for washing, regardless of whether the inmates are separated from the general population for disciplinary status. 517
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Sec. 737.061. (A) The chief of police of a municipal corporation may conduct training schools for prospective law enforcement officers. The training school programs shall align with Ohio peace officer training academy standards and cadet qualifications. The prospective officers, during the period of training and as members of the training school, may be paid a reasonable salary. The chief of police may furnish the necessary supplies and equipment for the use of the prospective officers during the training period. 523
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(B) The chief of police may establish rules governing the qualifications for admission to training schools for prospective officers and provide for competitive examinations to determine the fitness of the students and prospective officers, not inconsistent with the rules of the director of administrative services. 532
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(C) Upon completion of a training school program established under this section, a program graduate may be hired directly by the relevant department, provided the graduate also satisfies the requirements for original appointment under section 109.77 of the Revised Code. 538
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<u>Sec. 753.321. (A) As used in this section:</u>	543
<u>(1) "Emergency" has the same meaning as in section 341.261 of the Revised Code.</u>	544 545
<u>(2) "Female" means of or denoting the sex that can bear offspring or produce eggs and has XX chromosomes, distinguished biologically by the production of gametes or ova that can be fertilized by male gametes.</u>	546 547 548 549
<u>(3) "Feminine hygiene products" means tampons and sanitary napkins that are used for the menstrual cycle.</u>	550 551
<u>(4) "Municipal correctional facility" means a municipal jail, municipal workhouse, minimum security jail, joint city and county workhouse, municipal-county correctional center, multicounty-municipal correctional center, municipal-county jail or workhouse, or multicounty-municipal jail or workhouse.</u>	552 553 554 555 556
<u>(B) Each municipal correctional facility housing female inmates shall provide inmates experiencing a menstrual cycle with an adequate supply based on individualized need, in perpetuity and without reprimand, of feminine hygiene products in a variety of sizes at no cost to the inmates.</u>	557 558 559 560 561
<u>(C) Each municipal correctional facility housing female inmates shall have a written policy and procedure in place that does all of the following:</u>	562 563 564
<u>(1) Protects inmates from the denial of feminine hygiene products based on race, sex, income status, degree of charge, disability status, or any other type of discriminatory identity;</u>	565 566 567
<u>(2) Establishes proper methods of storing, administering, and disposing of feminine hygiene products;</u>	568 569
<u>(3) Establishes sanitary and safe procedures for hand</u>	570

washing and cleaning of surfaces between restrooms and the 571
designated area for disposal bins. 572

(D) Each municipal correctional facility housing female 573
inmates shall provide a separate disposal container with a lid 574
in a safe, designated area for use by inmates experiencing a 575
menstrual cycle within the facility to dispose of used, soiled, 576
or damaged feminine hygiene products. 577

(E) No municipal correctional facility housing female 578
inmates shall deny inmates access to feminine hygiene products. 579

(F) Except when the municipal correctional facility is 580
experiencing an emergency, each municipal correctional facility 581
housing female inmates shall provide inmates experiencing 582
menstruation a minimum of one shower per day with access to hot 583
water for washing, regardless of whether the inmates are 584
separated from the general population for disciplinary status. 585

Sec. 2925.02. (A) No person shall knowingly do any of the 586
following: 587

(1) By force, threat, or deception, administer to another 588
or induce or cause another to use a controlled substance; 589

(2) By any means, administer or furnish to another or 590
induce or cause another to use a controlled substance with 591
purpose to cause serious physical harm to the other person, or 592
with purpose to cause the other person to become a person with 593
drug dependency; 594

(3) By any means, administer or furnish to another or 595
induce or cause another to use a controlled substance, and 596
thereby cause serious physical harm to the other person, or 597
cause the other person to become a person with drug dependency; 598

(4) By any means, do any of the following:	599
(a) Furnish or administer a controlled substance to a juvenile who is at least two years the offender's junior, when the offender knows the age of the juvenile or is reckless in that regard;	600 601 602 603
(b) Induce or cause a juvenile who is at least two years the offender's junior to use a controlled substance, when the offender knows the age of the juvenile or is reckless in that regard;	604 605 606 607
(c) Induce or cause a juvenile who is at least two years the offender's junior to commit a felony drug abuse offense, when the offender knows the age of the juvenile or is reckless in that regard;	608 609 610 611
(d) Use a juvenile, whether or not the offender knows the age of the juvenile, to perform any surveillance activity that is intended to prevent the detection of the offender or any other person in the commission of a felony drug abuse offense or to prevent the arrest of the offender or any other person for the commission of a felony drug abuse offense.	612 613 614 615 616 617
(5) By any means, furnish or administer a controlled substance to a pregnant woman or induce or cause a pregnant woman to use a controlled substance, when the offender knows that the woman is pregnant or is reckless in that regard.	618 619 620 621
(B) Division (A) (1), (3), (4), or (5) of this section does not apply to manufacturers, wholesalers, licensed health professionals authorized to prescribe drugs, pharmacists, owners of pharmacies, and other persons whose conduct is in accordance with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code.	622 623 624 625 626 627

(C) Whoever violates this section is guilty of corrupting 628
another with drugs. The penalty for the offense shall be 629
determined as follows: 630

(1) If the offense is a violation of division (A) (1), (2), 631
(3), or (4) of this section and the drug involved is any 632
compound, mixture, preparation, or substance included in 633
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 634
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 635
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 636
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 637
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 638
offender shall be punished as follows: 639

(a) Except as otherwise provided in division (C) (1) (b) of 640
this section, corrupting another with drugs committed in those 641
circumstances is a felony of the second degree and, subject to 642
division (E) of this section, the court shall impose as a 643
mandatory prison term a second degree felony mandatory prison 644
term. 645

(b) If the offense was committed in the vicinity of a 646
school, corrupting another with drugs committed in those 647
circumstances is a felony of the first degree, and, subject to 648
division (E) of this section, the court shall impose as a 649
mandatory prison term a first degree felony mandatory prison 650
term. 651

(2) If the offense is a violation of division (A) (1), (2), 652
(3), or (4) of this section and the drug involved is any 653
compound, mixture, preparation, or substance included in 654
schedule III, IV, or V, the offender shall be punished as 655
follows: 656

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

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

(3) If the offense is a violation of division (A) (1), (2), (3), or (4) of this section and the drug involved is 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, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

(a) Except as otherwise provided in division (C) (3) (b) of this section, corrupting another with drugs committed in those circumstances 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.

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

(4) If the offense is a violation of division (A) (5) of this section and the drug involved is any compound, mixture, preparation, or substance included in schedule I or II, with the

exception of marihuana, 1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl- 686
3-(1-naphthoyl)indole, 1-[2-(4-morpholinyl)ethyl]-3-(1- 687
naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3- 688
hydroxycyclohexyl]-phenol, and 5-(1,1-dimethyloctyl)-2-[(1R,3S)- 689
3-hydroxycyclohexyl]-phenol, corrupting another with drugs is a 690
felony of the first degree and, subject to division (E) of this 691
section, the court shall impose as a mandatory prison term a 692
first degree felony mandatory prison term. 693

(5) If the offense is a violation of division (A) (5) of 694
this section and the drug involved is any compound, mixture, 695
preparation, or substance included in schedule III, IV, or V, 696
corrupting another with drugs is a felony of the second degree 697
and the court shall impose as a mandatory prison term a second 698
degree felony mandatory prison term. 699

(6) If the offense is a violation of division (A) (5) of 700
this section and the drug involved is marihuana, 1-Pentyl-3-(1- 701
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 702
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 703
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5- 704
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, 705
corrupting another with drugs is a felony of the third degree 706
and division (C) of section 2929.13 of the Revised Code applies 707
in determining whether to impose a prison term on the offender. 708

(D) In addition to any prison term authorized or required 709
by division (C) or (E) of this section and sections 2929.13 and 710
2929.14 of the Revised Code and in addition to any other 711
sanction imposed for the offense under this section or sections 712
2929.11 to 2929.18 of the Revised Code, the court that sentences 713
an offender who is convicted of or pleads guilty to a violation 714
of division (A) of this section ~~may suspend for not more than~~ 715

~~five years the offender's driver's or commercial driver's~~ 716
~~license or permit. However, if the offender pleaded guilty to or~~ 717
~~was convicted of a violation of section 4511.19 of the Revised~~ 718
~~Code or a substantially similar municipal ordinance or the law~~ 719
~~of another state or the United States arising out of the same~~ 720
~~set of circumstances as the violation, the court shall suspend~~ 721
~~the offender's driver's or commercial driver's license or permit~~ 722
~~for not more than five years. The court also shall do all of the~~ 723
following that are applicable regarding the offender: 724

(1) (a) If the violation is a felony of the first, second, 725
or third degree, the court shall impose upon the offender the 726
mandatory fine specified for the offense under division (B) (1) 727
of section 2929.18 of the Revised Code unless, as specified in 728
that division, the court determines that the offender is 729
indigent. 730

(b) Notwithstanding any contrary provision of section 731
3719.21 of the Revised Code, any mandatory fine imposed pursuant 732
to division (D) (1) (a) of this section and any fine imposed for a 733
violation of this section pursuant to division (A) of section 734
2929.18 of the Revised Code shall be paid by the clerk of the 735
court in accordance with and subject to the requirements of, and 736
shall be used as specified in, division (F) of section 2925.03 737
of the Revised Code. 738

(c) If a person is charged with any violation of this 739
section that is a felony of the first, second, or third degree, 740
posts bail, and forfeits the bail, the forfeited bail shall be 741
paid by the clerk of the court pursuant to division (D) (1) (b) of 742
this section as if it were a fine imposed for a violation of 743
this section. 744

(2) If the offender is a professionally licensed person, 745

in addition to any other sanction imposed for a violation of 746
this section, the court immediately shall comply with section 747
2925.38 of the Revised Code. 748

(3) If the offender has a driver's or commercial driver's 749
license or permit, section 2929.33 of the Revised Code applies. 750

(E) Notwithstanding the prison term otherwise authorized 751
or required for the offense under division (C) of this section 752
and sections 2929.13 and 2929.14 of the Revised Code, if the 753
violation of division (A) of this section involves the sale, 754
offer to sell, or possession of a schedule I or II controlled 755
substance, with the exception of marihuana, 1-Pentyl-3-(1- 756
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 757
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 758
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 759
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 760
if the court imposing sentence upon the offender finds that the 761
offender as a result of the violation is a major drug offender 762
and is guilty of a specification of the type described in 763
division (A) of section 2941.1410 of the Revised Code, the 764
court, in lieu of the prison term that otherwise is authorized 765
or required, shall impose upon the offender the mandatory prison 766
term specified in division (B) (3) (a) of section 2929.14 of the 767
Revised Code. 768

~~(F) (1) If the sentencing court suspends the offender's 769~~
~~driver's or commercial driver's license or permit under division 770~~
~~(D) of this section, the offender, at any time after the 771~~
~~expiration of two years from the day on which the offender's 772~~
~~sentence was imposed or from the day on which the offender 773~~
~~finally was released from a prison term under the sentence, 774~~
~~whichever is later, may file a motion with the sentencing court 775~~

~~requesting termination of the suspension. Upon the filing of the~~ 776
~~motion and the court's finding of good cause for the~~ 777
~~determination, the court may terminate the suspension.~~ 778

~~(2)~~ (F) Any offender who received a mandatory suspension 779
of the offender's driver's or commercial driver's license or 780
permit under this section prior to September 13, 2016, may file 781
a motion with the sentencing court requesting the termination of 782
the suspension. However, an offender who pleaded guilty to or 783
was convicted of a violation of section 4511.19 of the Revised 784
Code or a substantially similar municipal ordinance or law of 785
another state or the United States that arose out of the same 786
set of circumstances as the violation for which the offender's 787
license or permit was suspended under this section shall not 788
file such a motion. 789

Upon the filing of a motion under division ~~(F) (2)~~ (F) of 790
this section, the sentencing court, in its discretion, may 791
terminate the suspension. 792

Sec. 2925.03. (A) No person shall knowingly do any of the 793
following: 794

(1) Sell or offer to sell a controlled substance or a 795
controlled substance analog; 796

(2) Prepare for shipment, ship, transport, deliver, 797
prepare for distribution, or distribute a controlled substance 798
or a controlled substance analog, when the offender knows or has 799
reasonable cause to believe that the controlled substance or a 800
controlled substance analog is intended for sale or resale by 801
the offender or another person. 802

(B) This section does not apply to any of the following: 803

(1) Manufacturers, licensed health professionals 804

authorized to prescribe drugs, pharmacists, owners of 805
pharmacies, and other persons whose conduct is in accordance 806
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 807
4741. of the Revised Code; 808

(2) If the offense involves an anabolic steroid, any 809
person who is conducting or participating in a research project 810
involving the use of an anabolic steroid if the project has been 811
approved by the United States food and drug administration; 812

(3) Any person who sells, offers for sale, prescribes, 813
dispenses, or administers for livestock or other nonhuman 814
species an anabolic steroid that is expressly intended for 815
administration through implants to livestock or other nonhuman 816
species and approved for that purpose under the "Federal Food, 817
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 818
as amended, and is sold, offered for sale, prescribed, 819
dispensed, or administered for that purpose in accordance with 820
that act. 821

(C) Whoever violates division (A) of this section is 822
guilty of one of the following: 823

(1) If the drug involved in the violation is any compound, 824
mixture, preparation, or substance included in schedule I or 825
schedule II, with the exception of marihuana, cocaine, L.S.D., 826
heroin, any fentanyl-related compound, hashish, and any 827
controlled substance analog, whoever violates division (A) of 828
this section is guilty of aggravated trafficking in drugs. The 829
penalty for the offense shall be determined as follows: 830

(a) Except as otherwise provided in division (C) (1) (b), 831
(c), (d), (e), or (f) of this section, aggravated trafficking in 832
drugs is a felony of the fourth degree, and division (C) of 833

section 2929.13 of the Revised Code applies in determining 834
whether to impose a prison term on the offender. 835

(b) Except as otherwise provided in division (C)(1)(c), 836
(d), (e), or (f) of this section, if the offense was committed 837
in the vicinity of a school, in the vicinity of a juvenile, or 838
in the vicinity of a substance addiction services provider or a 839
recovering addict, aggravated trafficking in drugs is a felony 840
of the third degree, and division (C) of section 2929.13 of the 841
Revised Code applies in determining whether to impose a prison 842
term on the offender. 843

(c) Except as otherwise provided in this division, if the 844
amount of the drug involved equals or exceeds the bulk amount 845
but is less than five times the bulk amount, aggravated 846
trafficking in drugs is a felony of the third degree, and, 847
except as otherwise provided in this division, there is a 848
presumption for a prison term for the offense. If aggravated 849
trafficking in drugs is a felony of the third degree under this 850
division and if the offender two or more times previously has 851
been convicted of or pleaded guilty to a felony drug abuse 852
offense, the court shall impose as a mandatory prison term one 853
of the prison terms prescribed for a felony of the third degree. 854
If the amount of the drug involved is within that range and if 855
the offense was committed in the vicinity of a school, in the 856
vicinity of a juvenile, or in the vicinity of a substance 857
addiction services provider or a recovering addict, aggravated 858
trafficking in drugs is a felony of the second degree, and the 859
court shall impose as a mandatory prison term a second degree 860
felony mandatory prison term. 861

(d) Except as otherwise provided in this division, if the 862
amount of the drug involved equals or exceeds five times the 863

bulk amount but is less than fifty times the bulk amount, 864
aggravated trafficking in drugs is a felony of the second 865
degree, and the court shall impose as a mandatory prison term a 866
second degree felony mandatory prison term. If the amount of the 867
drug involved is within that range and if the offense was 868
committed in the vicinity of a school, in the vicinity of a 869
juvenile, or in the vicinity of a substance addiction services 870
provider or a recovering addict, aggravated trafficking in drugs 871
is a felony of the first degree, and the court shall impose as a 872
mandatory prison term a first degree felony mandatory prison 873
term. 874

(e) If the amount of the drug involved equals or exceeds 875
fifty times the bulk amount but is less than one hundred times 876
the bulk amount and regardless of whether the offense was 877
committed in the vicinity of a school, in the vicinity of a 878
juvenile, or in the vicinity of a substance addiction services 879
provider or a recovering addict, aggravated trafficking in drugs 880
is a felony of the first degree, and the court shall impose as a 881
mandatory prison term a first degree felony mandatory prison 882
term. 883

(f) If the amount of the drug involved equals or exceeds 884
one hundred times the bulk amount and regardless of whether the 885
offense was committed in the vicinity of a school, in the 886
vicinity of a juvenile, or in the vicinity of a substance 887
addiction services provider or a recovering addict, aggravated 888
trafficking in drugs is a felony of the first degree, the 889
offender is a major drug offender, and the court shall impose as 890
a mandatory prison term a maximum first degree felony mandatory 891
prison term. 892

(2) If the drug involved in the violation is any compound, 893

mixture, preparation, or substance included in schedule III, IV, 894
or V, whoever violates division (A) of this section is guilty of 895
trafficking in drugs. The penalty for the offense shall be 896
determined as follows: 897

(a) Except as otherwise provided in division (C) (2) (b), 898
(c), (d), or (e) of this section, trafficking in drugs is a 899
felony of the fifth degree, and division (B) of section 2929.13 900
of the Revised Code applies in determining whether to impose a 901
prison term on the offender. 902

(b) Except as otherwise provided in division (C) (2) (c), 903
(d), or (e) of this section, if the offense was committed in the 904
vicinity of a school or in the vicinity of a juvenile, 905
trafficking in drugs is a felony of the fourth degree, and 906
division (C) of section 2929.13 of the Revised Code applies in 907
determining whether to impose a prison term on the offender. 908

(c) Except as otherwise provided in this division, if the 909
amount of the drug involved equals or exceeds the bulk amount 910
but is less than five times the bulk amount, trafficking in 911
drugs is a felony of the fourth degree, and division (B) of 912
section 2929.13 of the Revised Code applies in determining 913
whether to impose a prison term for the offense. If the amount 914
of the drug involved is within that range and if the offense was 915
committed in the vicinity of a school or in the vicinity of a 916
juvenile, trafficking in drugs is a felony of the third degree, 917
and there is a presumption for a prison term for the offense. 918

(d) Except as otherwise provided in this division, if the 919
amount of the drug involved equals or exceeds five times the 920
bulk amount but is less than fifty times the bulk amount, 921
trafficking in drugs is a felony of the third degree, and there 922
is a presumption for a prison term for the offense. If the 923

amount of the drug involved is within that range and if the 924
offense was committed in the vicinity of a school or in the 925
vicinity of a juvenile, trafficking in drugs is a felony of the 926
second degree, and there is a presumption for a prison term for 927
the offense. 928

(e) Except as otherwise provided in this division, if the 929
amount of the drug involved equals or exceeds fifty times the 930
bulk amount, trafficking in drugs is a felony of the second 931
degree, and the court shall impose as a mandatory prison term a 932
second degree felony mandatory prison term. If the amount of the 933
drug involved equals or exceeds fifty times the bulk amount and 934
if the offense was committed in the vicinity of a school or in 935
the vicinity of a juvenile, trafficking in drugs is a felony of 936
the first degree, and the court shall impose as a mandatory 937
prison term a first degree felony mandatory prison term. 938

(3) If the drug involved in the violation is marihuana or 939
a compound, mixture, preparation, or substance containing 940
marihuana other than hashish, whoever violates division (A) of 941
this section is guilty of trafficking in marihuana. The penalty 942
for the offense shall be determined as follows: 943

(a) Except as otherwise provided in division (C) (3) (b), 944
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 945
marihuana is a felony of the fifth degree, and division (B) of 946
section 2929.13 of the Revised Code applies in determining 947
whether to impose a prison term on the offender. 948

(b) Except as otherwise provided in division (C) (3) (c), 949
(d), (e), (f), (g), or (h) of this section, if the offense was 950
committed in the vicinity of a school or in the vicinity of a 951
juvenile, trafficking in marihuana is a felony of the fourth 952
degree, and division (B) of section 2929.13 of the Revised Code 953

applies in determining whether to impose a prison term on the 954
offender. 955

(c) Except as otherwise provided in this division, if the 956
amount of the drug involved equals or exceeds two hundred grams 957
but is less than one thousand grams, trafficking in marihuana is 958
a felony of the fourth degree, and division (B) of section 959
2929.13 of the Revised Code applies in determining whether to 960
impose a prison term on the offender. If the amount of the drug 961
involved is within that range and if the offense was committed 962
in the vicinity of a school or in the vicinity of a juvenile, 963
trafficking in marihuana is a felony of the third degree, and 964
division (C) of section 2929.13 of the Revised Code applies in 965
determining whether to impose a prison term on the offender. 966

(d) Except as otherwise provided in this division, if the 967
amount of the drug involved equals or exceeds one thousand grams 968
but is less than five thousand grams, trafficking in marihuana 969
is a felony of the third degree, and division (C) of section 970
2929.13 of the Revised Code applies in determining whether to 971
impose a prison term on the offender. If the amount of the drug 972
involved is within that range and if the offense was committed 973
in the vicinity of a school or in the vicinity of a juvenile, 974
trafficking in marihuana is a felony of the second degree, and 975
there is a presumption that a prison term shall be imposed for 976
the offense. 977

(e) Except as otherwise provided in this division, if the 978
amount of the drug involved equals or exceeds five thousand 979
grams but is less than twenty thousand grams, trafficking in 980
marihuana is a felony of the third degree, and there is a 981
presumption that a prison term shall be imposed for the offense. 982
If the amount of the drug involved is within that range and if 983

the offense was committed in the vicinity of a school or in the 984
vicinity of a juvenile, trafficking in marihuana is a felony of 985
the second degree, and there is a presumption that a prison term 986
shall be imposed for the offense. 987

(f) Except as otherwise provided in this division, if the 988
amount of the drug involved equals or exceeds twenty thousand 989
grams but is less than forty thousand grams, trafficking in 990
marihuana is a felony of the second degree, and the court shall 991
impose as a mandatory prison term a second degree felony 992
mandatory prison term of five, six, seven, or eight years. If 993
the amount of the drug involved is within that range and if the 994
offense was committed in the vicinity of a school or in the 995
vicinity of a juvenile, trafficking in marihuana is a felony of 996
the first degree, and the court shall impose as a mandatory 997
prison term a maximum first degree felony mandatory prison term. 998

(g) Except as otherwise provided in this division, if the 999
amount of the drug involved equals or exceeds forty thousand 1000
grams, trafficking in marihuana is a felony of the second 1001
degree, and the court shall impose as a mandatory prison term a 1002
maximum second degree felony mandatory prison term. If the 1003
amount of the drug involved equals or exceeds forty thousand 1004
grams and if the offense was committed in the vicinity of a 1005
school or in the vicinity of a juvenile, trafficking in 1006
marihuana is a felony of the first degree, and the court shall 1007
impose as a mandatory prison term a maximum first degree felony 1008
mandatory prison term. 1009

(h) Except as otherwise provided in this division, if the 1010
offense involves a gift of twenty grams or less of marihuana, 1011
trafficking in marihuana is a minor misdemeanor upon a first 1012
offense and a misdemeanor of the third degree upon a subsequent 1013

offense. If the offense involves a gift of twenty grams or less 1014
of marihuana and if the offense was committed in the vicinity of 1015
a school or in the vicinity of a juvenile, trafficking in 1016
marihuana is a misdemeanor of the third degree. 1017

(4) If the drug involved in the violation is cocaine or a 1018
compound, mixture, preparation, or substance containing cocaine, 1019
whoever violates division (A) of this section is guilty of 1020
trafficking in cocaine. The penalty for the offense shall be 1021
determined as follows: 1022

(a) Except as otherwise provided in division (C) (4) (b), 1023
(c), (d), (e), (f), or (g) of this section, trafficking in 1024
cocaine is a felony of the fifth degree, and division (B) of 1025
section 2929.13 of the Revised Code applies in determining 1026
whether to impose a prison term on the offender. 1027

(b) Except as otherwise provided in division (C) (4) (c), 1028
(d), (e), (f), or (g) of this section, if the offense was 1029
committed in the vicinity of a school, in the vicinity of a 1030
juvenile, or in the vicinity of a substance addiction services 1031
provider or a recovering addict, trafficking in cocaine is a 1032
felony of the fourth degree, and division (C) of section 2929.13 1033
of the Revised Code applies in determining whether to impose a 1034
prison term on the offender. 1035

(c) Except as otherwise provided in this division, if the 1036
amount of the drug involved equals or exceeds five grams but is 1037
less than ten grams of cocaine, trafficking in cocaine is a 1038
felony of the fourth degree, and division (B) of section 2929.13 1039
of the Revised Code applies in determining whether to impose a 1040
prison term for the offense. If the amount of the drug involved 1041
is within that range and if the offense was committed in the 1042
vicinity of a school, in the vicinity of a juvenile, or in the 1043

vicinity of a substance addiction services provider or a 1044
recovering addict, trafficking in cocaine is a felony of the 1045
third degree, and there is a presumption for a prison term for 1046
the offense. 1047

(d) Except as otherwise provided in this division, if the 1048
amount of the drug involved equals or exceeds ten grams but is 1049
less than twenty grams of cocaine, trafficking in cocaine is a 1050
felony of the third degree, and, except as otherwise provided in 1051
this division, there is a presumption for a prison term for the 1052
offense. If trafficking in cocaine is a felony of the third 1053
degree under this division and if the offender two or more times 1054
previously has been convicted of or pleaded guilty to a felony 1055
drug abuse offense, the court shall impose as a mandatory prison 1056
term one of the prison terms prescribed for a felony of the 1057
third degree. If the amount of the drug involved is within that 1058
range and if the offense was committed in the vicinity of a 1059
school, in the vicinity of a juvenile, or in the vicinity of a 1060
substance addiction services provider or a recovering addict, 1061
trafficking in cocaine is a felony of the second degree, and the 1062
court shall impose as a mandatory prison term a second degree 1063
felony mandatory prison term. 1064

(e) Except as otherwise provided in this division, if the 1065
amount of the drug involved equals or exceeds twenty grams but 1066
is less than twenty-seven grams of cocaine, trafficking in 1067
cocaine is a felony of the second degree, and the court shall 1068
impose as a mandatory prison term a second degree felony 1069
mandatory prison term. If the amount of the drug involved is 1070
within that range and if 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 cocaine is a felony of the 1074

first degree, and the court shall impose as a mandatory prison 1075
term a first degree felony mandatory prison term. 1076

(f) If the amount of the drug involved equals or exceeds 1077
twenty-seven grams but is less than one hundred grams of cocaine 1078
and regardless of whether the offense was committed in the 1079
vicinity of a school, in the vicinity of a juvenile, or in the 1080
vicinity of a substance addiction services provider or a 1081
recovering addict, trafficking in cocaine is a felony of the 1082
first degree, and the court shall impose as a mandatory prison 1083
term a first degree felony mandatory prison term. 1084

(g) If the amount of the drug involved equals or exceeds 1085
one hundred grams of cocaine and regardless of whether the 1086
offense was committed in the vicinity of a school, in the 1087
vicinity of a juvenile, or in the vicinity of a substance 1088
addiction services provider or a recovering addict, trafficking 1089
in cocaine is a felony of the first degree, the offender is a 1090
major drug offender, and the court shall impose as a mandatory 1091
prison term a maximum first degree felony mandatory prison term. 1092

(5) If the drug involved in the violation is L.S.D. or a 1093
compound, mixture, preparation, or substance containing L.S.D., 1094
whoever violates division (A) of this section is guilty of 1095
trafficking in L.S.D. The penalty for the offense shall be 1096
determined as follows: 1097

(a) Except as otherwise provided in division (C) (5) (b), 1098
(c), (d), (e), (f), or (g) of this section, trafficking in 1099
L.S.D. is a felony of the fifth degree, and division (B) of 1100
section 2929.13 of the Revised Code applies in determining 1101
whether to impose a prison term on the offender. 1102

(b) Except as otherwise provided in division (C) (5) (c), 1103

(d), (e), (f), or (g) of this section, if the offense was 1104
committed in the vicinity of a school, in the vicinity of a 1105
juvenile, or in the vicinity of a substance addiction services 1106
provider or a recovering addict, trafficking in L.S.D. is a 1107
felony of the fourth degree, and division (C) of section 2929.13 1108
of the Revised Code applies in determining whether to impose a 1109
prison term on the offender. 1110

(c) Except as otherwise provided in this division, if the 1111
amount of the drug involved equals or exceeds ten unit doses but 1112
is less than fifty unit doses of L.S.D. in a solid form or 1113
equals or exceeds one gram but is less than five grams of L.S.D. 1114
in a liquid concentrate, liquid extract, or liquid distillate 1115
form, trafficking in L.S.D. is a felony of the fourth degree, 1116
and division (B) of section 2929.13 of the Revised Code applies 1117
in determining whether to impose a prison term for the offense. 1118
If the amount of the drug involved is within that range and if 1119
the offense was committed in the vicinity of a school, in the 1120
vicinity of a juvenile, or in the vicinity of a substance 1121
addiction services provider or a recovering addict, trafficking 1122
in L.S.D. is a felony of the third degree, and there is a 1123
presumption for a prison term for the offense. 1124

(d) Except as otherwise provided in this division, if the 1125
amount of the drug involved equals or exceeds fifty unit doses 1126
but is less than two hundred fifty unit doses of L.S.D. in a 1127
solid form or equals or exceeds five grams but is less than 1128
twenty-five grams of L.S.D. in a liquid concentrate, liquid 1129
extract, or liquid distillate form, trafficking in L.S.D. is a 1130
felony of the third degree, and, except as otherwise provided in 1131
this division, there is a presumption for a prison term for the 1132
offense. If trafficking in L.S.D. is a felony of the third 1133
degree under this division and if the offender two or more times 1134

previously has been convicted of or pleaded guilty to a felony 1135
drug abuse offense, the court shall impose as a mandatory prison 1136
term one of the prison terms prescribed for a felony of the 1137
third degree. If the amount of the drug involved is within that 1138
range and if the offense was committed in the vicinity of a 1139
school, in the vicinity of a juvenile, or in the vicinity of a 1140
substance addiction services provider or a recovering addict, 1141
trafficking in L.S.D. is a felony of the second degree, and the 1142
court shall impose as a mandatory prison term a second degree 1143
felony mandatory prison term. 1144

(e) Except as otherwise provided in this division, if the 1145
amount of the drug involved equals or exceeds two hundred fifty 1146
unit doses but is less than one thousand unit doses of L.S.D. in 1147
a solid form or equals or exceeds twenty-five grams but is less 1148
than one hundred grams of L.S.D. in a liquid concentrate, liquid 1149
extract, or liquid distillate form, trafficking in L.S.D. is a 1150
felony of the second degree, and the court shall impose as a 1151
mandatory prison term a second degree felony mandatory prison 1152
term. If the amount of the drug involved is within that range 1153
and if the offense was committed in the vicinity of a school, in 1154
the vicinity of a juvenile, or in the vicinity of a substance 1155
addiction services provider or a recovering addict, trafficking 1156
in L.S.D. is a felony of the first degree, and the court shall 1157
impose as a mandatory prison term a first degree felony 1158
mandatory prison term. 1159

(f) If the amount of the drug involved equals or exceeds 1160
one thousand unit doses but is less than five thousand unit 1161
doses of L.S.D. in a solid form or equals or exceeds one hundred 1162
grams but is less than five hundred grams of L.S.D. in a liquid 1163
concentrate, liquid extract, or liquid distillate form and 1164
regardless of whether the offense was committed in the vicinity 1165

of a school, in the vicinity of a juvenile, or in the vicinity 1166
of a substance addiction services provider or a recovering 1167
addict, trafficking in L.S.D. is a felony of the first degree, 1168
and the court shall impose as a mandatory prison term a first 1169
degree felony mandatory prison term. 1170

(g) If the amount of the drug involved equals or exceeds 1171
five thousand unit doses of L.S.D. in a solid form or equals or 1172
exceeds five hundred grams of L.S.D. in a liquid concentrate, 1173
liquid extract, or liquid distillate form and regardless of 1174
whether the offense was committed in the vicinity of a school, 1175
in the vicinity of a juvenile, or in the vicinity of a substance 1176
addiction services provider or a recovering addict, trafficking 1177
in L.S.D. is a felony of the first degree, the offender is a 1178
major drug offender, and the court shall impose as a mandatory 1179
prison term a maximum first degree felony mandatory prison term. 1180

(6) If the drug involved in the violation is heroin or a 1181
compound, mixture, preparation, or substance containing heroin, 1182
whoever violates division (A) of this section is guilty of 1183
trafficking in heroin. The penalty for the offense shall be 1184
determined as follows: 1185

(a) Except as otherwise provided in division (C) (6) (b), 1186
(c), (d), (e), (f), or (g) of this section, trafficking in 1187
heroin is a felony of the fifth degree, and division (B) of 1188
section 2929.13 of the Revised Code applies in determining 1189
whether to impose a prison term on the offender. 1190

(b) Except as otherwise provided in division (C) (6) (c), 1191
(d), (e), (f), or (g) of this section, if the offense was 1192
committed in the vicinity of a school, in the vicinity of a 1193
juvenile, or in the vicinity of a substance addiction services 1194
provider or a recovering addict, trafficking in heroin is a 1195

felony of the fourth degree, and division (C) of section 2929.13 1196
of the Revised Code applies in determining whether to impose a 1197
prison term on the offender. 1198

(c) Except as otherwise provided in this division, if the 1199
amount of the drug involved equals or exceeds ten unit doses but 1200
is less than fifty unit doses or equals or exceeds one gram but 1201
is less than five grams, trafficking in heroin is a felony of 1202
the fourth degree, and division (B) of section 2929.13 of the 1203
Revised Code applies in determining whether to impose a prison 1204
term for the offense. If the amount of the drug involved is 1205
within that range and if the offense was committed in the 1206
vicinity of a school, in the vicinity of a juvenile, or in the 1207
vicinity of a substance addiction services provider or a 1208
recovering addict, trafficking in heroin is a felony of the 1209
third degree, and there is a presumption for a prison term for 1210
the offense. 1211

(d) Except as otherwise provided in this division, if the 1212
amount of the drug involved equals or exceeds fifty unit doses 1213
but is less than one hundred unit doses or equals or exceeds 1214
five grams but is less than ten grams, trafficking in heroin is 1215
a felony of the third degree, and there is a presumption for a 1216
prison term for the offense. If the amount of the drug involved 1217
is within that range and if the offense was committed in the 1218
vicinity of a school, in the vicinity of a juvenile, or in the 1219
vicinity of a substance addiction services provider or a 1220
recovering addict, trafficking in heroin is a felony of the 1221
second degree, and there is a presumption for a prison term for 1222
the offense. 1223

(e) Except as otherwise provided in this division, if the 1224
amount of the drug involved equals or exceeds one hundred unit 1225

doses but is less than five hundred unit doses or equals or 1226
exceeds ten grams but is less than fifty grams, trafficking in 1227
heroin is a felony of the second degree, and the court shall 1228
impose as a mandatory prison term a second degree felony 1229
mandatory prison term. If the amount of the drug involved is 1230
within that range and if the offense was committed in the 1231
vicinity of a school, in the vicinity of a juvenile, or in the 1232
vicinity of a substance addiction services provider or a 1233
recovering addict, trafficking in heroin is a felony of the 1234
first degree, and the court shall impose as a mandatory prison 1235
term a first degree felony mandatory prison term. 1236

(f) If the amount of the drug involved equals or exceeds 1237
five hundred unit doses but is less than one thousand unit doses 1238
or equals or exceeds fifty grams but is less than one hundred 1239
grams and regardless of whether the offense was committed in the 1240
vicinity of a school, in the vicinity of a juvenile, or in the 1241
vicinity of a substance addiction services provider or a 1242
recovering addict, trafficking in heroin is a felony of the 1243
first degree, and the court shall impose as a mandatory prison 1244
term a first degree felony mandatory prison term. 1245

(g) If the amount of the drug involved equals or exceeds 1246
one thousand unit doses or equals or exceeds one hundred grams 1247
and regardless of whether the offense was committed in the 1248
vicinity of a school, in the vicinity of a juvenile, or in the 1249
vicinity of a substance addiction services provider or a 1250
recovering addict, trafficking in heroin is a felony of the 1251
first degree, the offender is a major drug offender, and the 1252
court shall impose as a mandatory prison term a maximum first 1253
degree felony mandatory prison term. 1254

(7) If the drug involved in the violation is hashish or a 1255

compound, mixture, preparation, or substance containing hashish, 1256
whoever violates division (A) of this section is guilty of 1257
trafficking in hashish. The penalty for the offense shall be 1258
determined as follows: 1259

(a) Except as otherwise provided in division (C) (7) (b), 1260
(c), (d), (e), (f), or (g) of this section, trafficking in 1261
hashish is a felony of the fifth degree, and division (B) of 1262
section 2929.13 of the Revised Code applies in determining 1263
whether to impose a prison term on the offender. 1264

(b) Except as otherwise provided in division (C) (7) (c), 1265
(d), (e), (f), or (g) of this section, if the offense was 1266
committed in the vicinity of a school, in the vicinity of a 1267
juvenile, or in the vicinity of a substance addiction services 1268
provider or a recovering addict, trafficking in hashish is a 1269
felony of the fourth degree, and division (B) of section 2929.13 1270
of the Revised Code applies in determining whether to impose a 1271
prison term on the offender. 1272

(c) Except as otherwise provided in this division, if the 1273
amount of the drug involved equals or exceeds ten grams but is 1274
less than fifty grams of hashish in a solid form or equals or 1275
exceeds two grams but is less than ten grams of hashish in a 1276
liquid concentrate, liquid extract, or liquid distillate form, 1277
trafficking in hashish is a felony of the fourth degree, and 1278
division (B) of section 2929.13 of the Revised Code applies in 1279
determining whether to impose a prison term on the offender. If 1280
the amount of the drug involved is within that range and if the 1281
offense was committed in the vicinity of a school, in the 1282
vicinity of a juvenile, or in the vicinity of a substance 1283
addiction services provider or a recovering addict, trafficking 1284
in hashish is a felony of the third degree, and division (C) of 1285

section 2929.13 of the Revised Code applies in determining 1286
whether to impose a prison term on the offender. 1287

(d) Except as otherwise provided in this division, if the 1288
amount of the drug involved equals or exceeds fifty grams but is 1289
less than two hundred fifty grams of hashish in a solid form or 1290
equals or exceeds ten grams but is less than fifty grams of 1291
hashish in a liquid concentrate, liquid extract, or liquid 1292
distillate form, trafficking in hashish is a felony of the third 1293
degree, and division (C) of section 2929.13 of the Revised Code 1294
applies in determining whether to impose a prison term on the 1295
offender. If the amount of the drug involved is within that 1296
range and if the offense was committed in the vicinity of a 1297
school, in the vicinity of a juvenile, or in the vicinity of a 1298
substance addiction services provider or a recovering addict, 1299
trafficking in hashish is a felony of the second degree, and 1300
there is a presumption that a prison term shall be imposed for 1301
the offense. 1302

(e) Except as otherwise provided in this division, if the 1303
amount of the drug involved equals or exceeds two hundred fifty 1304
grams but is less than one thousand grams of hashish in a solid 1305
form or equals or exceeds fifty grams but is less than two 1306
hundred grams of hashish in a liquid concentrate, liquid 1307
extract, or liquid distillate form, trafficking in hashish is a 1308
felony of the third degree, and there is a presumption that a 1309
prison term shall be imposed for the offense. If the amount of 1310
the drug involved is within that range and if the offense was 1311
committed in the vicinity of a school, in the vicinity of a 1312
juvenile, or in the vicinity of a substance addiction services 1313
provider or a recovering addict, trafficking in hashish is a 1314
felony of the second degree, and there is a presumption that a 1315
prison term shall be imposed for the offense. 1316

(f) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one thousand grams but is less than two thousand grams of hashish in a solid form or equals or exceeds two hundred grams but is less than four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree felony mandatory prison term of five, six, seven, or eight years. 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, trafficking in hashish is a felony of the first degree, and the court shall impose as a mandatory prison term a maximum first degree felony mandatory prison term.

(g) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form, trafficking in hashish is a felony of the second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term. If the amount of the drug involved equals or exceeds two thousand grams of hashish in a solid form or equals or exceeds four hundred grams of hashish in a liquid concentrate, liquid extract, or liquid distillate form 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, trafficking in hashish is a felony of the first degree, and the court shall impose as a

mandatory prison term a maximum first degree felony mandatory 1348
prison term. 1349

(8) If the drug involved in the violation is a controlled 1350
substance analog or compound, mixture, preparation, or substance 1351
that contains a controlled substance analog, whoever violates 1352
division (A) of this section is guilty of trafficking in a 1353
controlled substance analog. The penalty for the offense shall 1354
be determined as follows: 1355

(a) Except as otherwise provided in division (C) (8) (b), 1356
(c), (d), (e), (f), or (g) of this section, trafficking in a 1357
controlled substance analog is a felony of the fifth degree, and 1358
division (C) of section 2929.13 of the Revised Code applies in 1359
determining whether to impose a prison term on the offender. 1360

(b) Except as otherwise provided in division (C) (8) (c), 1361
(d), (e), (f), or (g) of this section, if the offense was 1362
committed in the vicinity of a school, in the vicinity of a 1363
juvenile, or in the vicinity of a substance addiction services 1364
provider or a recovering addict, trafficking in a controlled 1365
substance analog is a felony of the fourth degree, and division 1366
(C) of section 2929.13 of the Revised Code applies in 1367
determining whether to impose a prison term on the offender. 1368

(c) Except as otherwise provided in this division, if the 1369
amount of the drug involved equals or exceeds ten grams but is 1370
less than twenty grams, trafficking in a controlled substance 1371
analog is a felony of the fourth degree, and division (B) of 1372
section 2929.13 of the Revised Code applies in determining 1373
whether to impose a prison term for the offense. If the amount 1374
of the drug involved is within that range and if the offense was 1375
committed in the vicinity of a school, in the vicinity of a 1376
juvenile, or in the vicinity of a substance addiction services 1377

provider or a recovering addict, trafficking in a controlled 1378
substance analog is a felony of the third degree, and there is a 1379
presumption for a prison term for the offense. 1380

(d) Except as otherwise provided in this division, if the 1381
amount of the drug involved equals or exceeds twenty grams but 1382
is less than thirty grams, trafficking in a controlled substance 1383
analog is a felony of the third degree, and there is a 1384
presumption for a prison term for the offense. If the amount of 1385
the drug involved is within that range and if the offense was 1386
committed in the vicinity of a school, in the vicinity of a 1387
juvenile, or in the vicinity of a substance addiction services 1388
provider or a recovering addict, trafficking in a controlled 1389
substance analog is a felony of the second degree, and there is 1390
a presumption for a prison term for the offense. 1391

(e) Except as otherwise provided in this division, if the 1392
amount of the drug involved equals or exceeds thirty grams but 1393
is less than forty grams, trafficking in a controlled substance 1394
analog is a felony of the second degree, and the court shall 1395
impose as a mandatory prison term a second degree felony 1396
mandatory prison term. If the amount of the drug involved is 1397
within that range and if the offense was committed in the 1398
vicinity of a school, in the vicinity of a juvenile, or in the 1399
vicinity of a substance addiction services provider or a 1400
recovering addict, trafficking in a controlled substance analog 1401
is a felony of the first degree, and the court shall impose as a 1402
mandatory prison term a first degree felony mandatory prison 1403
term. 1404

(f) If the amount of the drug involved equals or exceeds 1405
forty grams but is less than fifty grams and regardless of 1406
whether the offense was committed in the vicinity of a school, 1407

in the vicinity of a juvenile, or in the vicinity of a substance 1408
addiction services provider or a recovering addict, trafficking 1409
in a controlled substance analog is a felony of the first 1410
degree, and the court shall impose as a mandatory prison term a 1411
first degree felony mandatory prison term. 1412

(g) If the amount of the drug involved equals or exceeds 1413
fifty grams and regardless of whether the offense was committed 1414
in the vicinity of a school, in the vicinity of a juvenile, or 1415
in the vicinity of a substance addiction services provider or a 1416
recovering addict, trafficking in a controlled substance analog 1417
is a felony of the first degree, the offender is a major drug 1418
offender, and the court shall impose as a mandatory prison term 1419
a maximum first degree felony mandatory prison term. 1420

(9) If the drug involved in the violation is a fentanyl- 1421
related compound or a compound, mixture, preparation, or 1422
substance containing a fentanyl-related compound and division 1423
(C)(10)(a) of this section does not apply to the drug involved, 1424
whoever violates division (A) of this section is guilty of 1425
trafficking in a fentanyl-related compound. The penalty for the 1426
offense shall be determined as follows: 1427

(a) Except as otherwise provided in division (C)(9)(b), 1428
(c), (d), (e), (f), (g), or (h) of this section, trafficking in 1429
a fentanyl-related compound is a felony of the fifth degree, and 1430
division (B) of section 2929.13 of the Revised Code applies in 1431
determining whether to impose a prison term on the offender. 1432

(b) Except as otherwise provided in division (C)(9)(c), 1433
(d), (e), (f), (g), or (h) of this section, if the offense was 1434
committed in the vicinity of a school, in the vicinity of a 1435
juvenile, or in the vicinity of a substance addiction services 1436
provider or a recovering addict, trafficking in a fentanyl- 1437

related compound is a felony of the fourth degree, and division 1438
(C) of section 2929.13 of the Revised Code applies in 1439
determining whether to impose a prison term on the offender. 1440

(c) Except as otherwise provided in this division, if the 1441
amount of the drug involved equals or exceeds ten unit doses but 1442
is less than fifty unit doses or equals or exceeds one gram but 1443
is less than five grams, trafficking in a fentanyl-related 1444
compound is a felony of the fourth degree, and division (B) of 1445
section 2929.13 of the Revised Code applies in determining 1446
whether to impose a prison term for the offense. If the amount 1447
of the drug involved is within that range and if the offense was 1448
committed in the vicinity of a school, in the vicinity of a 1449
juvenile, or in the vicinity of a substance addiction services 1450
provider or a recovering addict, trafficking in a fentanyl- 1451
related compound is a felony of the third degree, and there is a 1452
presumption for a prison term for the offense. 1453

(d) Except as otherwise provided in this division, if the 1454
amount of the drug involved equals or exceeds fifty unit doses 1455
but is less than one hundred unit doses or equals or exceeds 1456
five grams but is less than ten grams, trafficking in a 1457
fentanyl-related compound is a felony of the third degree, and 1458
there is a presumption for a prison term for the offense. If the 1459
amount of the drug involved is within that range and if the 1460
offense was committed in the vicinity of a school, in the 1461
vicinity of a juvenile, or in the vicinity of a substance 1462
addiction services provider or a recovering addict, trafficking 1463
in a fentanyl-related compound is a felony of the second degree, 1464
and there is a presumption for a prison term for the offense. 1465

(e) Except as otherwise provided in this division, if the 1466
amount of the drug involved equals or exceeds one hundred unit 1467

doses but is less than two hundred unit doses or equals or 1468
exceeds ten grams but is less than twenty grams, trafficking in 1469
a fentanyl-related compound is a felony of the second degree, 1470
and the court shall impose as a mandatory prison term one of the 1471
prison terms prescribed for a felony of the second degree. If 1472
the amount of the drug involved is within that range and if the 1473
offense was committed in the vicinity of a school, in the 1474
vicinity of a juvenile, or in the vicinity of a substance 1475
addiction services provider or a recovering addict, trafficking 1476
in a fentanyl-related compound is a felony of the first degree, 1477
and the court shall impose as a mandatory prison term one of the 1478
prison terms prescribed for a felony of the first degree. 1479

(f) If the amount of the drug involved equals or exceeds 1480
two hundred unit doses but is less than five hundred unit doses 1481
or equals or exceeds twenty grams but is less than fifty grams 1482
and regardless of whether the offense was committed in the 1483
vicinity of a school, in the vicinity of a juvenile, or in the 1484
vicinity of a substance addiction services provider or a 1485
recovering addict, trafficking in a fentanyl-related compound is 1486
a felony of the first degree, and the court shall impose as a 1487
mandatory prison term one of the prison terms prescribed for a 1488
felony of the first degree. 1489

(g) If the amount of the drug involved equals or exceeds 1490
five hundred unit doses but is less than one thousand unit doses 1491
or equals or exceeds fifty grams but is less than one hundred 1492
grams and regardless of whether the offense was committed in the 1493
vicinity of a school, in the vicinity of a juvenile, or in the 1494
vicinity of a substance addiction services provider or a 1495
recovering addict, trafficking in a fentanyl-related compound is 1496
a felony of the first degree, and the court shall impose as a 1497
mandatory prison term the maximum prison term prescribed for a 1498

felony of the first degree. 1499

(h) If the amount of the drug involved equals or exceeds 1500
one thousand unit doses or equals or exceeds one hundred grams 1501
and regardless of whether the offense was committed in the 1502
vicinity of a school, in the vicinity of a juvenile, or in the 1503
vicinity of a substance addiction services provider or a 1504
recovering addict, trafficking in a fentanyl-related compound is 1505
a felony of the first degree, the offender is a major drug 1506
offender, and the court shall impose as a mandatory prison term 1507
the maximum prison term prescribed for a felony of the first 1508
degree. 1509

(10) If the drug involved in the violation is a compound, 1510
mixture, preparation, or substance that is a combination of a 1511
fentanyl-related compound and marihuana, one of the following 1512
applies: 1513

(a) Except as otherwise provided in division (C) (10) (b) of 1514
this section, the offender is guilty of trafficking in marihuana 1515
and shall be punished under division (C) (3) of this section. The 1516
offender is not guilty of trafficking in a fentanyl-related 1517
compound and shall not be charged with, convicted of, or 1518
punished under division (C) (9) of this section for trafficking 1519
in a fentanyl-related compound. 1520

(b) If the offender knows or has reason to know that the 1521
compound, mixture, preparation, or substance that is the drug 1522
involved contains a fentanyl-related compound, the offender is 1523
guilty of trafficking in a fentanyl-related compound and shall 1524
be punished under division (C) (9) of this section. 1525

(D) In addition to any prison term authorized or required 1526
by division (C) of this section and sections 2929.13 and 2929.14 1527

of the Revised Code, and in addition to any other sanction 1528
imposed for the offense under this section or sections 2929.11 1529
to 2929.18 of the Revised Code, ~~the court that sentences an~~ 1530
~~offender who is convicted of or pleads guilty to a violation of~~ 1531
~~division (A) of this section may suspend the driver's or~~ 1532
~~commercial driver's license or permit of the offender in~~ 1533
~~accordance with division (G) of this section. However, if the~~ 1534
~~offender pleaded guilty to or was convicted of a violation of~~ 1535
~~section 4511.19 of the Revised Code or a substantially similar~~ 1536
~~municipal ordinance or the law of another state or the United~~ 1537
~~States arising out of the same set of circumstances as the~~ 1538
~~violation, the court shall suspend the offender's driver's or~~ 1539
~~commercial driver's license or permit in accordance with~~ 1540
~~division (G) of this section. If if applicable, the court also~~ 1541
shall do the following: 1542

(1) If the violation of division (A) of this section is a 1543
felony of the first, second, or third degree, the court shall 1544
impose upon the offender the mandatory fine specified for the 1545
offense under division (B) (1) of section 2929.18 of the Revised 1546
Code unless, as specified in that division, the court determines 1547
that the offender is indigent. Except as otherwise provided in 1548
division (H) (1) of this section, a mandatory fine or any other 1549
fine imposed for a violation of this section is subject to 1550
division (F) of this section. If a person is charged with a 1551
violation of this section that is a felony of the first, second, 1552
or third degree, posts bail, and forfeits the bail, the clerk of 1553
the court shall pay the forfeited bail pursuant to divisions (D) 1554
(1) and (F) of this section, as if the forfeited bail was a fine 1555
imposed for a violation of this section. If any amount of the 1556
forfeited bail remains after that payment and if a fine is 1557
imposed under division (H) (1) of this section, the clerk of the 1558

court shall pay the remaining amount of the forfeited bail 1559
pursuant to divisions (H) (2) and (3) of this section, as if that 1560
remaining amount was a fine imposed under division (H) (1) of 1561
this section. 1562

(2) If the offender is a professionally licensed person, 1563
the court immediately shall comply with section 2925.38 of the 1564
Revised Code. 1565

(3) If the offender has a driver's or commercial driver's 1566
license or permit, section 2929.33 of the Revised Code applies. 1567

(E) When a person is charged with the sale of or offer to 1568
sell a bulk amount or a multiple of a bulk amount of a 1569
controlled substance, the jury, or the court trying the accused, 1570
shall determine the amount of the controlled substance involved 1571
at the time of the offense and, if a guilty verdict is returned, 1572
shall return the findings as part of the verdict. In any such 1573
case, it is unnecessary to find and return the exact amount of 1574
the controlled substance involved, and it is sufficient if the 1575
finding and return is to the effect that the amount of the 1576
controlled substance involved is the requisite amount, or that 1577
the amount of the controlled substance involved is less than the 1578
requisite amount. 1579

(F) (1) Notwithstanding any contrary provision of section 1580
3719.21 of the Revised Code and except as provided in division 1581
(H) of this section, the clerk of the court shall pay any 1582
mandatory fine imposed pursuant to division (D) (1) of this 1583
section and any fine other than a mandatory fine that is imposed 1584
for a violation of this section pursuant to division (A) or (B) 1585
(5) of section 2929.18 of the Revised Code to the county, 1586
township, municipal corporation, park district, as created 1587
pursuant to section 511.18 or 1545.04 of the Revised Code, or 1588

state law enforcement agencies in this state that primarily were 1589
responsible for or involved in making the arrest of, and in 1590
prosecuting, the offender. However, the clerk shall not pay a 1591
mandatory fine so imposed to a law enforcement agency unless the 1592
agency has adopted a written internal control policy under 1593
division (F) (2) of this section that addresses the use of the 1594
fine moneys that it receives. Each agency shall use the 1595
mandatory fines so paid to subsidize the agency's law 1596
enforcement efforts that pertain to drug offenses, in accordance 1597
with the written internal control policy adopted by the 1598
recipient agency under division (F) (2) of this section. 1599

(2) Prior to receiving any fine moneys under division (F) 1600
(1) of this section or division (B) of section 2925.42 of the 1601
Revised Code, a law enforcement agency shall adopt a written 1602
internal control policy that addresses the agency's use and 1603
disposition of all fine moneys so received and that provides for 1604
the keeping of detailed financial records of the receipts of 1605
those fine moneys, the general types of expenditures made out of 1606
those fine moneys, and the specific amount of each general type 1607
of expenditure. The policy shall not provide for or permit the 1608
identification of any specific expenditure that is made in an 1609
ongoing investigation. All financial records of the receipts of 1610
those fine moneys, the general types of expenditures made out of 1611
those fine moneys, and the specific amount of each general type 1612
of expenditure by an agency are public records open for 1613
inspection under section 149.43 of the Revised Code. 1614
Additionally, a written internal control policy adopted under 1615
this division is such a public record, and the agency that 1616
adopted it shall comply with it. 1617

(3) As used in division (F) of this section: 1618

(a) "Law enforcement agencies" includes, but is not 1619
limited to, the state board of pharmacy and the office of a 1620
prosecutor. 1621

(b) "Prosecutor" has the same meaning as in section 1622
2935.01 of the Revised Code. 1623

~~(G) (1) If the sentencing court suspends the offender's 1624
driver's or commercial driver's license or permit under division- 1625
(D) of this section or any other provision of this chapter, the 1626
court shall suspend the license, by order, for not more than 1627
five years. If an offender's driver's or commercial driver's 1628
license or permit is suspended pursuant to this division, the 1629
offender, at any time after the expiration of two years from the 1630
day on which the offender's sentence was imposed or from the day 1631
on which the offender finally was released from a prison term 1632
under the sentence, whichever is later, may file a motion with 1633
the sentencing court requesting termination of the suspension; 1634
upon the filing of such a motion and the court's finding of good 1635
cause for the termination, the court may terminate the 1636
suspension. 1637~~

~~(2)~~ (G) Any offender who received a mandatory suspension 1638
of the offender's driver's or commercial driver's license or 1639
permit under this section prior to September 13, 2016, may file 1640
a motion with the sentencing court requesting the termination of 1641
the suspension. However, an offender who pleaded guilty to or 1642
was convicted of a violation of section 4511.19 of the Revised 1643
Code or a substantially similar municipal ordinance or law of 1644
another state or the United States that arose out of the same 1645
set of circumstances as the violation for which the offender's 1646
license or permit was suspended under this section shall not 1647
file such a motion. 1648

Upon the filing of a motion under division ~~(G) (2)~~ (G) of 1649
this section, the sentencing court, in its discretion, may 1650
terminate the suspension. 1651

(H) (1) In addition to any prison term authorized or 1652
required by division (C) of this section and sections 2929.13 1653
and 2929.14 of the Revised Code, in addition to any other 1654
penalty or sanction imposed for the offense under this section 1655
or sections 2929.11 to 2929.18 of the Revised Code, and in 1656
addition to the forfeiture of property in connection with the 1657
offense as prescribed in Chapter 2981. of the Revised Code, the 1658
court that sentences an offender who is convicted of or pleads 1659
guilty to a violation of division (A) of this section may impose 1660
upon the offender an additional fine specified for the offense 1661
in division (B) (4) of section 2929.18 of the Revised Code. A 1662
fine imposed under division (H) (1) of this section is not 1663
subject to division (F) of this section and shall be used solely 1664
for the support of one or more eligible community addiction 1665
services providers in accordance with divisions (H) (2) and (3) 1666
of this section. 1667

(2) The court that imposes a fine under division (H) (1) of 1668
this section shall specify in the judgment that imposes the fine 1669
one or more eligible community addiction services providers for 1670
the support of which the fine money is to be used. No community 1671
addiction services provider shall receive or use money paid or 1672
collected in satisfaction of a fine imposed under division (H) 1673
(1) of this section unless the services provider is specified in 1674
the judgment that imposes the fine. No community addiction 1675
services provider shall be specified in the judgment unless the 1676
services provider is an eligible community addiction services 1677
provider and, except as otherwise provided in division (H) (2) of 1678
this section, unless the services provider is located in the 1679

county in which the court that imposes the fine is located or in 1680
a county that is immediately contiguous to the county in which 1681
that court is located. If no eligible community addiction 1682
services provider is located in any of those counties, the 1683
judgment may specify an eligible community addiction services 1684
provider that is located anywhere within this state. 1685

(3) Notwithstanding any contrary provision of section 1686
3719.21 of the Revised Code, the clerk of the court shall pay 1687
any fine imposed under division (H) (1) of this section to the 1688
eligible community addiction services provider specified 1689
pursuant to division (H) (2) of this section in the judgment. The 1690
eligible community addiction services provider that receives the 1691
fine moneys shall use the moneys only for the alcohol and drug 1692
addiction services identified in the application for 1693
certification of services under section 5119.36 of the Revised 1694
Code or in the application for a license under section 5119.37 1695
of the Revised Code filed with the department of mental health 1696
and addiction services by the community addiction services 1697
provider specified in the judgment. 1698

(4) Each community addiction services provider that 1699
receives in a calendar year any fine moneys under division (H) 1700
(3) of this section shall file an annual report covering that 1701
calendar year with the court of common pleas and the board of 1702
county commissioners of the county in which the services 1703
provider is located, with the court of common pleas and the 1704
board of county commissioners of each county from which the 1705
services provider received the moneys if that county is 1706
different from the county in which the services provider is 1707
located, and with the attorney general. The community addiction 1708
services provider shall file the report no later than the first 1709
day of March in the calendar year following the calendar year in 1710

which the services provider received the fine moneys. The report 1711
shall include statistics on the number of persons served by the 1712
community addiction services provider, identify the types of 1713
alcohol and drug addiction services provided to those persons, 1714
and include a specific accounting of the purposes for which the 1715
fine moneys received were used. No information contained in the 1716
report shall identify, or enable a person to determine the 1717
identity of, any person served by the community addiction 1718
services provider. Each report received by a court of common 1719
pleas, a board of county commissioners, or the attorney general 1720
is a public record open for inspection under section 149.43 of 1721
the Revised Code. 1722

(5) As used in divisions (H) (1) to (5) of this section: 1723

(a) "Community addiction services provider" and "alcohol 1724
and drug addiction services" have the same meanings as in 1725
section 5119.01 of the Revised Code. 1726

(b) "Eligible community addiction services provider" means 1727
a community addiction services provider, including a community 1728
addiction services provider that operates an opioid treatment 1729
program licensed under section 5119.37 of the Revised Code. 1730

(I) As used in this section, "drug" includes any substance 1731
that is represented to be a drug. 1732

(J) It is an affirmative defense to a charge of 1733
trafficking in a controlled substance analog under division (C) 1734
(8) of this section that the person charged with violating that 1735
offense sold or offered to sell, or prepared for shipment, 1736
shipped, transported, delivered, prepared for distribution, or 1737
distributed one of the following items that are excluded from 1738
the meaning of "controlled substance analog" under section 1739

3719.01 of the Revised Code:	1740
(1) A controlled substance;	1741
(2) Any substance for which there is an approved new drug application;	1742 1743
(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.	1744 1745 1746 1747
Sec. 2925.04. (A) No person shall knowingly cultivate marihuana or knowingly manufacture or otherwise engage in any part of the production of a controlled substance.	1748 1749 1750
(B) This section does not apply to any person listed in division (B)(1), (2), or (3) of section 2925.03 of the Revised Code to the extent and under the circumstances described in those divisions.	1751 1752 1753 1754
(C) (1) Whoever commits a violation of division (A) of this section that involves any drug other than marihuana is guilty of illegal manufacture of drugs, and whoever commits a violation of division (A) of this section that involves marihuana is guilty of illegal cultivation of marihuana.	1755 1756 1757 1758 1759
(2) Except as otherwise provided in this division, if the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule I or II, with the exception of methamphetamine or marihuana, illegal manufacture of drugs is a felony of the second degree, and, subject to division (E) of this section, the court shall impose as a mandatory prison term a second degree felony mandatory prison term.	1760 1761 1762 1763 1764 1765 1766 1767

If the drug involved in the violation is any compound, 1768
mixture, preparation, or substance included in schedule I or II, 1769
with the exception of methamphetamine or marihuana, and if the 1770
offense was committed in the vicinity of a juvenile or in the 1771
vicinity of a school, illegal manufacture of drugs is a felony 1772
of the first degree, and, subject to division (E) of this 1773
section, the court shall impose as a mandatory prison term a 1774
first degree felony mandatory prison term. 1775

(3) If the drug involved in the violation of division (A) 1776
of this section is methamphetamine, the penalty for the 1777
violation shall be determined as follows: 1778

(a) Except as otherwise provided in division (C) (3) (b) of 1779
this section, if the drug involved in the violation is 1780
methamphetamine, illegal manufacture of drugs is a felony of the 1781
second degree, and, subject to division (E) of this section, the 1782
court shall impose a mandatory prison term on the offender 1783
determined in accordance with this division. Except as otherwise 1784
provided in this division, the court shall impose as a mandatory 1785
prison term a second degree felony mandatory prison term that is 1786
not less than three years. If the offender previously has been 1787
convicted of or pleaded guilty to a violation of division (A) of 1788
this section, a violation of division (B) (6) of section 2919.22 1789
of the Revised Code, or a violation of division (A) of section 1790
2925.041 of the Revised Code, the court shall impose as a 1791
mandatory prison term a second degree felony mandatory prison 1792
term that is not less than five years. 1793

(b) If the drug involved in the violation is 1794
methamphetamine and if the offense was committed in the vicinity 1795
of a juvenile, in the vicinity of a school, or on public 1796
premises, illegal manufacture of drugs is a felony of the first 1797

degree, and, subject to division (E) of this section, the court 1798
shall impose a mandatory prison term on the offender determined 1799
in accordance with this division. Except as otherwise provided 1800
in this division, the court shall impose as a mandatory prison 1801
term a first degree felony mandatory prison term that is not 1802
less than four years. If the offender previously has been 1803
convicted of or pleaded guilty to a violation of division (A) of 1804
this section, a violation of division (B)(6) of section 2919.22 1805
of the Revised Code, or a violation of division (A) of section 1806
2925.041 of the Revised Code, the court shall impose as a 1807
mandatory prison term a first degree felony mandatory prison 1808
term that is not less than five years. 1809

(4) If the drug involved in the violation of division (A) 1810
of this section is any compound, mixture, preparation, or 1811
substance included in schedule III, IV, or V, illegal 1812
manufacture of drugs is a felony of the third degree or, if the 1813
offense was committed in the vicinity of a school or in the 1814
vicinity of a juvenile, a felony of the second degree, and there 1815
is a presumption for a prison term for the offense. 1816

(5) If the drug involved in the violation is marihuana, 1817
the penalty for the offense shall be determined as follows: 1818

(a) Except as otherwise provided in division (C)(5)(b), 1819
(c), (d), (e), or (f) of this section, illegal cultivation of 1820
marihuana is a minor misdemeanor or, if the offense was 1821
committed in the vicinity of a school or in the vicinity of a 1822
juvenile, a misdemeanor of the fourth degree. 1823

(b) If the amount of marihuana involved equals or exceeds 1824
one hundred grams but is less than two hundred grams, illegal 1825
cultivation of marihuana is a misdemeanor of the fourth degree 1826
or, if the offense was committed in the vicinity of a school or 1827

in the vicinity of a juvenile, a misdemeanor of the third 1828
degree. 1829

(c) If the amount of marihuana involved equals or exceeds 1830
two hundred grams but is less than one thousand grams, illegal 1831
cultivation of marihuana is a felony of the fifth degree or, if 1832
the offense was committed in the vicinity of a school or in the 1833
vicinity of a juvenile, a felony of the fourth degree, and 1834
division (B) of section 2929.13 of the Revised Code applies in 1835
determining whether to impose a prison term on the offender. 1836

(d) If the amount of marihuana involved equals or exceeds 1837
one thousand grams but is less than five thousand grams, illegal 1838
cultivation of marihuana is a felony of the third degree or, if 1839
the offense was committed in the vicinity of a school or in the 1840
vicinity of a juvenile, a felony of the second degree, and 1841
division (C) of section 2929.13 of the Revised Code applies in 1842
determining whether to impose a prison term on the offender. 1843

(e) If the amount of marihuana involved equals or exceeds 1844
five thousand grams but is less than twenty thousand grams, 1845
illegal cultivation of marihuana is a felony of the third degree 1846
or, if the offense was committed in the vicinity of a school or 1847
in the vicinity of a juvenile, a felony of the second degree, 1848
and there is a presumption for a prison term for the offense. 1849

(f) Except as otherwise provided in this division, if the 1850
amount of marihuana involved equals or exceeds twenty thousand 1851
grams, illegal cultivation of marihuana is a felony of the 1852
second degree, and the court shall impose as a mandatory prison 1853
term a maximum second degree felony mandatory prison term. If 1854
the amount of the drug involved equals or exceeds twenty 1855
thousand grams and if the offense was committed in the vicinity 1856
of a school or in the vicinity of a juvenile, illegal 1857

cultivation of marihuana is a felony of the first degree, and 1858
the court shall impose as a mandatory prison term a maximum 1859
first degree felony mandatory prison term. 1860

(D) In addition to any prison term authorized or required 1861
by division (C) or (E) of this section and sections 2929.13 and 1862
2929.14 of the Revised Code and in addition to any other 1863
sanction imposed for the offense under this section or sections 1864
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 1865
~~an offender who is convicted of or pleads guilty to a violation~~ 1866
~~of division (A) of this section may suspend the offender's~~ 1867
~~driver's or commercial driver's license or permit in accordance~~ 1868
~~with division (G) of section 2925.03 of the Revised Code.~~ 1869
~~However, if the offender pleaded guilty to or was convicted of a~~ 1870
~~violation of section 4511.19 of the Revised Code or a~~ 1871
~~substantially similar municipal ordinance or the law of another~~ 1872
~~state or the United States arising out of the same set of~~ 1873
~~circumstances as the violation, the court shall suspend the~~ 1874
~~offender's driver's or commercial driver's license or permit in~~ 1875
~~accordance with division (G) of section 2925.03 of the Revised~~ 1876
~~Code. If if applicable, the court also shall do the following:~~ 1877

(1) If the violation of division (A) of this section is a 1878
felony of the first, second, or third degree, the court shall 1879
impose upon the offender the mandatory fine specified for the 1880
offense under division (B)(1) of section 2929.18 of the Revised 1881
Code unless, as specified in that division, the court determines 1882
that the offender is indigent. The clerk of the court shall pay 1883
a mandatory fine or other fine imposed for a violation of this 1884
section pursuant to division (A) of section 2929.18 of the 1885
Revised Code in accordance with and subject to the requirements 1886
of division (F) of section 2925.03 of the Revised Code. The 1887
agency that receives the fine shall use the fine as specified in 1888

division (F) of section 2925.03 of the Revised Code. If a person 1889
is charged with a violation of this section that is a felony of 1890
the first, second, or third degree, posts bail, and forfeits the 1891
bail, the clerk shall pay the forfeited bail as if the forfeited 1892
bail were a fine imposed for a violation of this section. 1893

(2) If the offender is a professionally licensed person, 1894
the court immediately shall comply with section 2925.38 of the 1895
Revised Code. 1896

(3) If the offender has a driver's or commercial driver's 1897
license or permit, section 2929.33 of the Revised Code applies. 1898

(E) Notwithstanding the prison term otherwise authorized 1899
or required for the offense under division (C) of this section 1900
and sections 2929.13 and 2929.14 of the Revised Code, if the 1901
violation of division (A) of this section involves the sale, 1902
offer to sell, or possession of a schedule I or II controlled 1903
substance, with the exception of marihuana, and if the court 1904
imposing sentence upon the offender finds that the offender as a 1905
result of the violation is a major drug offender and is guilty 1906
of a specification of the type described in division (A) of 1907
section 2941.1410 of the Revised Code, the court, in lieu of the 1908
prison term otherwise authorized or required, shall impose upon 1909
the offender the mandatory prison term specified in division (B) 1910
(3) of section 2929.14 of the Revised Code. 1911

(F) It is an affirmative defense, as provided in section 1912
2901.05 of the Revised Code, to a charge under this section for 1913
a fifth degree felony violation of illegal cultivation of 1914
marihuana that the marihuana that gave rise to the charge is in 1915
an amount, is in a form, is prepared, compounded, or mixed with 1916
substances that are not controlled substances in a manner, or is 1917
possessed or cultivated under any other circumstances that 1918

indicate that the marihuana was solely for personal use. 1919

Notwithstanding any contrary provision of division (F) of 1920
this section, if, in accordance with section 2901.05 of the 1921
Revised Code, a person who is charged with a violation of 1922
illegal cultivation of marihuana that is a felony of the fifth 1923
degree sustains the burden of going forward with evidence of and 1924
establishes by a preponderance of the evidence the affirmative 1925
defense described in this division, the person may be prosecuted 1926
for and may be convicted of or plead guilty to a misdemeanor 1927
violation of illegal cultivation of marihuana. 1928

(G) Arrest or conviction for a minor misdemeanor violation 1929
of this section does not constitute a criminal record and need 1930
not be reported by the person so arrested or convicted in 1931
response to any inquiries about the person's criminal record, 1932
including any inquiries contained in an application for 1933
employment, a license, or any other right or privilege or made 1934
in connection with the person's appearance as a witness. 1935

~~(H) (1) If the sentencing court suspends the offender's 1936
driver's or commercial driver's license or permit under this 1937
section in accordance with division (G) of section 2925.03 of 1938
the Revised Code, the offender may request termination of, and 1939
the court may terminate, the suspension of the offender in 1940
accordance with that division. 1941~~

~~(2) (H)~~ Any offender who received a mandatory suspension 1942
of the offender's driver's or commercial driver's license or 1943
permit under this section prior to September 13, 2016, may file 1944
a motion with the sentencing court requesting the termination of 1945
the suspension. However, an offender who pleaded guilty to or 1946
was convicted of a violation of section 4511.19 of the Revised 1947
Code or a substantially similar municipal ordinance or law of 1948

another state or the United States that arose out of the same 1949
set of circumstances as the violation for which the offender's 1950
license or permit was suspended under this section shall not 1951
file such a motion. 1952

Upon the filing of a motion under division ~~(H) (2)~~ (H) of 1953
this section, the sentencing court, in its discretion, may 1954
terminate the suspension. 1955

Sec. 2925.041. (A) No person shall knowingly assemble or 1956
possess one or more chemicals that may be used to manufacture a 1957
controlled substance in schedule I or II with the intent to 1958
manufacture a controlled substance in schedule I or II in 1959
violation of section 2925.04 of the Revised Code. 1960

(B) In a prosecution under this section, it is not 1961
necessary to allege or prove that the offender assembled or 1962
possessed all chemicals necessary to manufacture a controlled 1963
substance in schedule I or II. The assembly or possession of a 1964
single chemical that may be used in the manufacture of a 1965
controlled substance in schedule I or II, with the intent to 1966
manufacture a controlled substance in either schedule, is 1967
sufficient to violate this section. 1968

(C) Whoever violates this section is guilty of illegal 1969
assembly or possession of chemicals for the manufacture of 1970
drugs. Except as otherwise provided in this division, illegal 1971
assembly or possession of chemicals for the manufacture of drugs 1972
is a felony of the third degree, and, except as otherwise 1973
provided in division (C) (1) or (2) of this section, division (C) 1974
of section 2929.13 of the Revised Code applies in determining 1975
whether to impose a prison term on the offender. If the offense 1976
was committed in the vicinity of a juvenile or in the vicinity 1977
of a school, illegal assembly or possession of chemicals for the 1978

manufacture of drugs is a felony of the second degree, and, 1979
except as otherwise provided in division (C) (1) or (2) of this 1980
section, division (C) of section 2929.13 of the Revised Code 1981
applies in determining whether to impose a prison term on the 1982
offender. If the violation of division (A) of this section is a 1983
felony of the third degree under this division and if the 1984
chemical or chemicals assembled or possessed in violation of 1985
division (A) of this section may be used to manufacture 1986
methamphetamine, there either is a presumption for a prison term 1987
for the offense or the court shall impose a mandatory prison 1988
term on the offender, determined as follows: 1989

(1) Except as otherwise provided in this division, there 1990
is a presumption for a prison term for the offense. If the 1991
offender two or more times previously has been convicted of or 1992
pleaded guilty to a felony drug abuse offense, except as 1993
otherwise provided in this division, the court shall impose as a 1994
mandatory prison term one of the prison terms prescribed for a 1995
felony of the third degree that is not less than two years. If 1996
the offender two or more times previously has been convicted of 1997
or pleaded guilty to a felony drug abuse offense and if at least 1998
one of those previous convictions or guilty pleas was to a 1999
violation of division (A) of this section, a violation of 2000
division (B) (6) of section 2919.22 of the Revised Code, or a 2001
violation of division (A) of section 2925.04 of the Revised 2002
Code, the court shall impose as a mandatory prison term one of 2003
the prison terms prescribed for a felony of the third degree 2004
that is not less than five years. 2005

(2) If the violation of division (A) of this section is a 2006
felony of the second degree under division (C) of this section 2007
and the chemical or chemicals assembled or possessed in 2008
committing the violation may be used to manufacture 2009

methamphetamine, the court shall impose as a mandatory prison 2010
term a second degree felony mandatory prison term that is not 2011
less than three years. If the violation of division (A) of this 2012
section is a felony of the second degree under division (C) of 2013
this section, if the chemical or chemicals assembled or 2014
possessed in committing the violation may be used to manufacture 2015
methamphetamine, and if the offender previously has been 2016
convicted of or pleaded guilty to a violation of division (A) of 2017
this section, a violation of division (B) (6) of section 2919.22 2018
of the Revised Code, or a violation of division (A) of section 2019
2925.04 of the Revised Code, the court shall impose as a 2020
mandatory prison term a second degree felony mandatory prison 2021
term that is not less than five years. 2022

(D) In addition to any prison term authorized by division 2023
(C) of this section and sections 2929.13 and 2929.14 of the 2024
Revised Code and in addition to any other sanction imposed for 2025
the offense under this section or sections 2929.11 to 2929.18 of 2026
the Revised Code, ~~the court that sentences an offender who is~~ 2027
~~convicted of or pleads guilty to a violation of this section may~~ 2028
~~suspend the offender's driver's or commercial driver's license~~ 2029
~~or permit in accordance with division (G) of section 2925.03 of~~ 2030
~~the Revised Code. However, if the offender pleaded guilty to or~~ 2031
~~was convicted of a violation of section 4511.19 of the Revised~~ 2032
~~Code or a substantially similar municipal ordinance or the law~~ 2033
~~of another state or the United States arising out of the same~~ 2034
~~set of circumstances as the violation, the court shall suspend~~ 2035
~~the offender's driver's or commercial driver's license or permit~~ 2036
~~in accordance with division (G) of section 2925.03 of the~~ 2037
~~Revised Code. If if applicable, the court also shall do the~~ 2038
following: 2039

(1) The court shall impose upon the offender the mandatory 2040

fine specified for the offense under division (B) (1) of section 2041
2929.18 of the Revised Code unless, as specified in that 2042
division, the court determines that the offender is indigent. 2043
The clerk of the court shall pay a mandatory fine or other fine 2044
imposed for a violation of this section under division (A) of 2045
section 2929.18 of the Revised Code in accordance with and 2046
subject to the requirements of division (F) of section 2925.03 2047
of the Revised Code. The agency that receives the fine shall use 2048
the fine as specified in division (F) of section 2925.03 of the 2049
Revised Code. If a person charged with a violation of this 2050
section posts bail and forfeits the bail, the clerk shall pay 2051
the forfeited bail as if the forfeited bail were a fine imposed 2052
for a violation of this section. 2053

(2) If the offender is a professionally licensed person or 2054
a person who has been admitted to the bar by order of the 2055
supreme court in compliance with its prescribed and published 2056
rules, the court shall comply with section 2925.38 of the 2057
Revised Code. 2058

(3) If the offender has a driver's or commercial driver's 2059
license or permit, section 2929.33 of the Revised Code applies. 2060

~~(E) (1) If the sentencing court suspends the offender's~~ 2061
~~driver's or commercial driver's license or permit under this~~ 2062
~~section in accordance with division (G) of section 2925.03 of~~ 2063
~~the Revised Code, the offender may request termination of, and~~ 2064
~~the court may terminate, the suspension of the offender in~~ 2065
~~accordance with that division.~~ 2066

~~(2)~~ (E) Any offender who received a mandatory suspension 2067
of the offender's driver's or commercial driver's license or 2068
permit under this section prior to September 13, 2016, may file 2069
a motion with the sentencing court requesting the termination of 2070

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

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

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

(1) If the drug to be sold or offered for sale is any
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, and hashish, or
schedule III, IV, or V, an amount of the drug that equals or
exceeds the bulk amount of the drug;

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

(3) If the drug to be sold or offered for sale is cocaine
or a compound, mixture, preparation, or substance containing

cocaine, an amount of the cocaine that equals or exceeds five 2100
grams; 2101

(4) If the drug to be sold or offered for sale is L.S.D. 2102
or a compound, mixture, preparation, or substance containing 2103
L.S.D., an amount of the L.S.D. that equals or exceeds ten unit 2104
doses if the L.S.D. is in a solid form or equals or exceeds one 2105
gram if the L.S.D. is in a liquid concentrate, liquid extract, 2106
or liquid distillate form; 2107

(5) If the drug to be sold or offered for sale is heroin 2108
or a fentanyl-related compound, or a compound, mixture, 2109
preparation, or substance containing heroin or a fentanyl- 2110
related compound, an amount that equals or exceeds ten unit 2111
doses or equals or exceeds one gram; 2112

(6) If the drug to be sold or offered for sale is hashish 2113
or a compound, mixture, preparation, or substance containing 2114
hashish, an amount of the hashish that equals or exceeds ten 2115
grams if the hashish is in a solid form or equals or exceeds two 2116
grams if the hashish is in a liquid concentrate, liquid extract, 2117
or liquid distillate form. 2118

(B) This section does not apply to any person listed in 2119
division (B) (1), (2), or (3) of section 2925.03 of the Revised 2120
Code to the extent and under the circumstances described in 2121
those divisions. 2122

(C) (1) If the drug involved in the violation is any 2123
compound, mixture, preparation, or substance included in 2124
schedule I or II, with the exception of marihuana, whoever 2125
violates division (A) of this section is guilty of aggravated 2126
funding of drug trafficking, a felony of the first degree, and, 2127
subject to division (E) of this section, the court shall impose 2128

as a mandatory prison term a first degree felony mandatory 2129
prison term. 2130

(2) If the drug involved in the violation is any compound, 2131
mixture, preparation, or substance included in schedule III, IV, 2132
or V, whoever violates division (A) of this section is guilty of 2133
funding of drug trafficking, a felony of the second degree, and 2134
the court shall impose as a mandatory prison term a second 2135
degree felony mandatory prison term. 2136

(3) If the drug involved in the violation is marihuana, 2137
whoever violates division (A) of this section is guilty of 2138
funding of marihuana trafficking, a felony of the third degree, 2139
and, except as otherwise provided in this division, there is a 2140
presumption for a prison term for the offense. If funding of 2141
marihuana trafficking is a felony of the third degree under this 2142
division and if the offender two or more times previously has 2143
been convicted of or pleaded guilty to a felony drug abuse 2144
offense, the court shall impose as a mandatory prison term one 2145
of the prison terms prescribed for a felony of the third degree. 2146

(D) In addition to any prison term authorized or required 2147
by division (C) or (E) of this section and sections 2929.13 and 2148
2929.14 of the Revised Code and in addition to any other 2149
sanction imposed for the offense under this section or sections 2150
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 2151
~~an offender who is convicted of or pleads guilty to a violation~~ 2152
~~of division (A) of this section may suspend the offender's~~ 2153
~~driver's or commercial driver's license or permit in accordance~~ 2154
~~with division (C) of section 2925.03 of the Revised Code.~~ 2155
~~However, if the offender pleaded guilty to or was convicted of a~~ 2156
~~violation of section 4511.19 of the Revised Code or a~~ 2157
~~substantially similar municipal ordinance or the law of another~~ 2158

~~state or the United States arising out of the same set of~~ 2159
~~circumstances as the violation, the court shall suspend the~~ 2160
~~offender's driver's or commercial driver's license or permit in~~ 2161
~~accordance with division (G) of section 2925.03 of the Revised~~ 2162
~~Code. If if applicable, the court also shall do the following:~~ 2163

(1) The court shall impose the mandatory fine specified 2164
for the offense under division (B)(1) of section 2929.18 of the 2165
Revised Code unless, as specified in that division, the court 2166
determines that the offender is indigent. The clerk of the court 2167
shall pay a mandatory fine or other fine imposed for a violation 2168
of this section pursuant to division (A) of section 2929.18 of 2169
the Revised Code in accordance with and subject to the 2170
requirements of division (F) of section 2925.03 of the Revised 2171
Code. The agency that receives the fine shall use the fine in 2172
accordance with division (F) of section 2925.03 of the Revised 2173
Code. If a person is charged with a violation of this section, 2174
posts bail, and forfeits the bail, the forfeited bail shall be 2175
paid as if the forfeited bail were a fine imposed for a 2176
violation of this section. 2177

(2) If the offender is a professionally licensed person, 2178
the court immediately shall comply with section 2925.38 of the 2179
Revised Code. 2180

(3) If the offender has a driver's or commercial driver's 2181
license or permit, section 2929.33 of the Revised Code applies. 2182

(E) Notwithstanding the prison term otherwise authorized 2183
or required for the offense under division (C) of this section 2184
and sections 2929.13 and 2929.14 of the Revised Code, if the 2185
violation of division (A) of this section involves the sale, 2186
offer to sell, or possession of a schedule I or II controlled 2187
substance, with the exception of marihuana, one of the following 2188

applies: 2189

(1) If the drug involved in the violation is a fentanyl- 2190
related compound, the offense is a felony of the first degree, 2191
the offender is a major drug offender, and the court shall 2192
impose as a mandatory prison term the maximum prison term 2193
prescribed for a felony of the first degree. 2194

(2) If division (E) (1) of this section does not apply and 2195
the court imposing sentence upon the offender finds that the 2196
offender as a result of the violation is a major drug offender 2197
and is guilty of a specification of the type described in 2198
division (A) of section 2941.1410 of the Revised Code, the 2199
court, in lieu of the prison term otherwise authorized or 2200
required, shall impose upon the offender the mandatory prison 2201
term specified in division (B) (3) of section 2929.14 of the 2202
Revised Code. 2203

~~(F) (1) If the sentencing court suspends the offender's 2204
driver's or commercial driver's license or permit under this 2205
section in accordance with division (G) of section 2925.03 of 2206
the Revised Code, the offender may request termination of, and 2207
the court may terminate, the suspension in accordance with that 2208
division. 2209~~

~~(2) (F)~~ Any offender who received a mandatory suspension 2210
of the offender's driver's or commercial driver's license or 2211
permit under this section prior to September 13, 2016, may file 2212
a motion with the sentencing court requesting the termination of 2213
the suspension. However, an offender who pleaded guilty to or 2214
was convicted of a violation of section 4511.19 of the Revised 2215
Code or a substantially similar municipal ordinance or law of 2216
another state or the United States that arose out of the same 2217
set of circumstances as the violation for which the offender's 2218

license or permit was suspended under this section shall not 2219
file such a motion. 2220

Upon the filing of a motion under division ~~(F)(2)~~ (E) of 2221
this section, the sentencing court, in its discretion, may 2222
terminate the suspension. 2223

Sec. 2925.06. (A) No person shall knowingly administer to 2224
a human being, or prescribe or dispense for administration to a 2225
human being, any anabolic steroid not approved by the United 2226
States food and drug administration for administration to human 2227
beings. 2228

(B) This section does not apply to any person listed in 2229
division (B)(1), (2), or (3) of section 2925.03 of the Revised 2230
Code to the extent and under the circumstances described in 2231
those divisions. 2232

(C) Whoever violates division (A) of this section is 2233
guilty of illegal administration or distribution of anabolic 2234
steroids, a felony of the fourth degree, and division (C) of 2235
section 2929.13 of the Revised Code applies in determining 2236
whether to impose a prison term on the offender. 2237

(D) (1) In addition to any prison term authorized or 2238
required by division (C) of this section and sections 2929.13 2239
and 2929.14 of the Revised Code and in addition to any other 2240
sanction imposed for the offense under this section or sections 2241
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 2242
~~an offender who is convicted of or pleads guilty to a violation~~ 2243
~~of division (A) of this section may suspend the offender's~~ 2244
~~driver's or commercial driver's license or permit in accordance~~ 2245
~~with division (C) of section 2925.03 of the Revised Code.~~ 2246
~~However, if the offender pleaded guilty to or was convicted of a~~ 2247

~~violation of section 4511.19 of the Revised Code or a~~ 2248
~~substantially similar municipal ordinance or the law of another~~ 2249
~~state or the United States arising out of the same set of~~ 2250
~~circumstances as the violation, the court shall suspend the~~ 2251
~~offender's driver's or commercial driver's license or permit in~~ 2252
~~accordance with division (G) of section 2925.03 of the Revised~~ 2253
~~Code. If an offender's driver's or commercial driver's license~~ 2254
~~or permit is suspended in accordance with that division, the~~ 2255
~~offender may request termination of, and the court may~~ 2256
~~terminate, the suspension in accordance with that division.~~ 2257

~~If~~ if the offender is a professionally licensed person, 2258
the court immediately shall comply with section 2925.38 of the 2259
Revised Code. 2260

If the offender has a driver's or commercial driver's 2261
license or permit, section 2929.33 of the Revised Code applies. 2262

(2) Any offender who received a mandatory suspension of 2263
the offender's driver's or commercial driver's license or permit 2264
under this section prior to ~~the effective date of this amendment~~ 2265
September 13, 2016, may file a motion with the sentencing court 2266
requesting the termination of the suspension. However, an 2267
offender who pleaded guilty to or was convicted of a violation 2268
of section 4511.19 of the Revised Code or a substantially 2269
similar municipal ordinance or law of another state or the 2270
United States that arose out of the same set of circumstances as 2271
the violation for which the offender's license or permit was 2272
suspended under this section shall not file such a motion. 2273

Upon the filing of a motion under division (D)(2) of this 2274
section, the sentencing court, in its discretion, may terminate 2275
the suspension. 2276

(E) If a person commits any act that constitutes a 2277
violation of division (A) of this section and that also 2278
constitutes a violation of any other provision of the Revised 2279
Code, the prosecutor, as defined in section 2935.01 of the 2280
Revised Code, using customary prosecutorial discretion, may 2281
prosecute the person for a violation of the appropriate 2282
provision of the Revised Code. 2283

Sec. 2925.11. (A) No person shall knowingly obtain, 2284
possess, or use a controlled substance or a controlled substance 2285
analog. 2286

(B) (1) This section does not apply to any of the 2287
following: 2288

(a) Manufacturers, licensed health professionals 2289
authorized to prescribe drugs, pharmacists, owners of 2290
pharmacies, and other persons whose conduct was in accordance 2291
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 2292
4741. of the Revised Code; 2293

(b) If the offense involves an anabolic steroid, any 2294
person who is conducting or participating in a research project 2295
involving the use of an anabolic steroid if the project has been 2296
approved by the United States food and drug administration; 2297

(c) Any person who sells, offers for sale, prescribes, 2298
dispenses, or administers for livestock or other nonhuman 2299
species an anabolic steroid that is expressly intended for 2300
administration through implants to livestock or other nonhuman 2301
species and approved for that purpose under the "Federal Food, 2302
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 2303
as amended, and is sold, offered for sale, prescribed, 2304
dispensed, or administered for that purpose in accordance with 2305

that act; 2306

(d) Any person who obtained the controlled substance 2307
pursuant to a prescription issued by a licensed health 2308
professional authorized to prescribe drugs if the prescription 2309
was issued for a legitimate medical purpose and not altered, 2310
forged, or obtained through deception or commission of a theft 2311
offense. 2312

As used in division (B) (1) (d) of this section, "deception" 2313
and "theft offense" have the same meanings as in section 2913.01 2314
of the Revised Code. 2315

(2) (a) As used in division (B) (2) of this section: 2316

(i) "Community addiction services provider" has the same 2317
meaning as in section 5119.01 of the Revised Code. 2318

(ii) "Community control sanction" has the same meaning as 2319
in section 2929.01 of the Revised Code. 2320

(iii) "Health care facility" has the same meaning as in 2321
section 2919.16 of the Revised Code. 2322

(iv) "Minor drug possession offense" means a violation of 2323
this section that is a misdemeanor or a felony of the fifth 2324
degree. 2325

(v) "Post-release control sanction" has the same meaning 2326
as in section 2967.28 of the Revised Code. 2327

(vi) "Peace officer" has the same meaning as in section 2328
2935.01 of the Revised Code. 2329

(vii) "Public agency" has the same meaning as in section 2330
2930.01 of the Revised Code. 2331

(viii) "Qualified individual" means a person who is acting 2332

in good faith who seeks or obtains medical assistance for 2333
another person who is experiencing a drug overdose, a person who 2334
experiences a drug overdose and who seeks medical assistance for 2335
that overdose, or a person who is the subject of another person 2336
seeking or obtaining medical assistance for that overdose as 2337
described in division (B) (2) (b) of this section. 2338

(ix) "Seek or obtain medical assistance" includes, but is 2339
not limited to making a 9-1-1 call, contacting in person or by 2340
telephone call an on-duty peace officer, or transporting or 2341
presenting a person to a health care facility. 2342

(b) Subject to division (B) (2) (e) of this section, a 2343
qualified individual shall not be arrested, charged, prosecuted, 2344
convicted, or penalized pursuant to this chapter for a minor 2345
drug possession offense or a violation of section 2925.12, 2346
division (C) (1) of section 2925.14, or section 2925.141 of the 2347
Revised Code if all of the following apply: 2348

(i) The evidence of the obtaining, possession, or use of 2349
the controlled substance or controlled substance analog, drug 2350
abuse instruments, or drug paraphernalia that would be the basis 2351
of the offense was obtained as a result of the qualified 2352
individual seeking the medical assistance or experiencing an 2353
overdose and needing medical assistance. 2354

(ii) Subject to division (B) (2) (f) of this section, within 2355
thirty days after seeking or obtaining the medical assistance, 2356
the qualified individual seeks and obtains a screening and 2357
receives a referral for treatment from a community addiction 2358
services provider or a properly credentialed addiction treatment 2359
professional. 2360

(iii) Subject to division (B) (2) (f) of this section, the 2361

qualified individual who obtains a screening and receives a 2362
referral for treatment under division (B) (2) (b) (ii) of this 2363
section, upon the request of any prosecuting attorney, submits 2364
documentation to the prosecuting attorney that verifies that the 2365
qualified individual satisfied the requirements of that 2366
division. The documentation shall be limited to the date and 2367
time of the screening obtained and referral received. 2368

(c) If a person who is serving a community control 2369
sanction or is under a sanction on post-release control acts 2370
pursuant to division (B) (2) (b) of this section, then division 2371
(B) of section 2929.141, division (B) (2) of section 2929.15, 2372
division (D) (3) of section 2929.25, or division (F) (3) of 2373
section 2967.28 of the Revised Code applies to the person with 2374
respect to any violation of the sanction or post-release control 2375
sanction based on a minor drug possession offense, as defined in 2376
section 2925.11 of the Revised Code, or a violation of section 2377
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2378
of the Revised Code. 2379

(d) Nothing in division (B) (2) (b) of this section shall be 2380
construed to do any of the following: 2381

(i) Limit the admissibility of any evidence in connection 2382
with the investigation or prosecution of a crime with regards to 2383
a defendant who does not qualify for the protections of division 2384
(B) (2) (b) of this section or with regards to any crime other 2385
than a minor drug possession offense or a violation of section 2386
2925.12, division (C) (1) of section 2925.14, or section 2925.141 2387
of the Revised Code committed by a person who qualifies for 2388
protection pursuant to division (B) (2) (b) of this section; 2389

(ii) Limit any seizure of evidence or contraband otherwise 2390
permitted by law; 2391

(iii) Limit or abridge the authority of a peace officer to 2392
detain or take into custody a person in the course of an 2393
investigation or to effectuate an arrest for any offense except 2394
as provided in that division; 2395

(iv) Limit, modify, or remove any immunity from liability 2396
available pursuant to law in effect prior to September 13, 2016, 2397
to any public agency or to an employee of any public agency. 2398

(e) Division (B) (2) (b) of this section does not apply to 2399
any person who twice previously has been granted an immunity 2400
under division (B) (2) (b) of this section. No person shall be 2401
granted an immunity under division (B) (2) (b) of this section 2402
more than two times. 2403

(f) Nothing in this section shall compel any qualified 2404
individual to disclose protected health information in a way 2405
that conflicts with the requirements of the "Health Insurance 2406
Portability and Accountability Act of 1996," 104 Pub. L. No. 2407
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 2408
regulations promulgated by the United States department of 2409
health and human services to implement the act or the 2410
requirements of 42 C.F.R. Part 2. 2411

(C) Whoever violates division (A) of this section is 2412
guilty of one of the following: 2413

(1) If the drug involved in the violation is a compound, 2414
mixture, preparation, or substance included in schedule I or II, 2415
with the exception of marihuana, cocaine, L.S.D., heroin, any 2416
fentanyl-related compound, hashish, and any controlled substance 2417
analog, whoever violates division (A) of this section is guilty 2418
of aggravated possession of drugs. The penalty for the offense 2419
shall be determined as follows: 2420

(a) Except as otherwise provided in division (C) (1) (b), 2421
(c), (d), or (e) of this section, aggravated possession of drugs 2422
is a felony of the fifth degree, and division (B) of section 2423
2929.13 of the Revised Code applies in determining whether to 2424
impose a prison term on the offender. 2425

(b) If the amount of the drug involved equals or exceeds 2426
the bulk amount but is less than five times the bulk amount, 2427
aggravated possession of drugs is a felony of the third degree, 2428
and there is a presumption for a prison term for the offense. 2429

(c) If the amount of the drug involved equals or exceeds 2430
five times the bulk amount but is less than fifty times the bulk 2431
amount, aggravated possession of drugs is a felony of the second 2432
degree, and the court shall impose as a mandatory prison term a 2433
second degree felony mandatory prison term. 2434

(d) If the amount of the drug involved equals or exceeds 2435
fifty times the bulk amount but is less than one hundred times 2436
the bulk amount, aggravated possession of drugs is a felony of 2437
the first degree, and the court shall impose as a mandatory 2438
prison term a first degree felony mandatory prison term. 2439

(e) If the amount of the drug involved equals or exceeds 2440
one hundred times the bulk amount, aggravated possession of 2441
drugs is a felony of the first degree, the offender is a major 2442
drug offender, and the court shall impose as a mandatory prison 2443
term a maximum first degree felony mandatory prison term. 2444

(2) If the drug involved in the violation is a compound, 2445
mixture, preparation, or substance included in schedule III, IV, 2446
or V, whoever violates division (A) of this section is guilty of 2447
possession of drugs. The penalty for the offense shall be 2448
determined as follows: 2449

(a) Except as otherwise provided in division (C) (2) (b), 2450
(c), or (d) of this section, possession of drugs is a 2451
misdemeanor of the first degree or, if the offender previously 2452
has been convicted of a drug abuse offense, a felony of the 2453
fifth degree. 2454

(b) If the amount of the drug involved equals or exceeds 2455
the bulk amount but is less than five times the bulk amount, 2456
possession of drugs is a felony of the fourth degree, and 2457
division (C) of section 2929.13 of the Revised Code applies in 2458
determining whether to impose a prison term on the offender. 2459

(c) If the amount of the drug involved equals or exceeds 2460
five times the bulk amount but is less than fifty times the bulk 2461
amount, possession of drugs is a felony of the third degree, and 2462
there is a presumption for a prison term for the offense. 2463

(d) If the amount of the drug involved equals or exceeds 2464
fifty times the bulk amount, possession of drugs is a felony of 2465
the second degree, and the court shall impose upon the offender 2466
as a mandatory prison term a second degree felony mandatory 2467
prison term. 2468

(3) If the drug involved in the violation is marihuana or 2469
a compound, mixture, preparation, or substance containing 2470
marihuana other than hashish, whoever violates division (A) of 2471
this section is guilty of possession of marihuana. The penalty 2472
for the offense shall be determined as follows: 2473

(a) Except as otherwise provided in division (C) (3) (b), 2474
(c), (d), (e), (f), or (g) of this section, possession of 2475
marihuana is a minor misdemeanor. 2476

(b) If the amount of the drug involved equals or exceeds 2477
one hundred grams but is less than two hundred grams, possession 2478

of marihuana is a misdemeanor of the fourth degree. 2479

(c) If the amount of the drug involved equals or exceeds 2480
two hundred grams but is less than one thousand grams, 2481
possession of marihuana is a felony of the fifth degree, and 2482
division (B) of section 2929.13 of the Revised Code applies in 2483
determining whether to impose a prison term on the offender. 2484

(d) If the amount of the drug involved equals or exceeds 2485
one thousand grams but is less than five thousand grams, 2486
possession of marihuana is a felony of the third degree, and 2487
division (C) of section 2929.13 of the Revised Code applies in 2488
determining whether to impose a prison term on the offender. 2489

(e) If the amount of the drug involved equals or exceeds 2490
five thousand grams but is less than twenty thousand grams, 2491
possession of marihuana is a felony of the third degree, and 2492
there is a presumption that a prison term shall be imposed for 2493
the offense. 2494

(f) If the amount of the drug involved equals or exceeds 2495
twenty thousand grams but is less than forty thousand grams, 2496
possession of marihuana is a felony of the second degree, and 2497
the court shall impose as a mandatory prison term a second 2498
degree felony mandatory prison term of five, six, seven, or 2499
eight years. 2500

(g) If the amount of the drug involved equals or exceeds 2501
forty thousand grams, possession of marihuana is a felony of the 2502
second degree, and the court shall impose as a mandatory prison 2503
term a maximum second degree felony mandatory prison term. 2504

(4) If the drug involved in the violation is cocaine or a 2505
compound, mixture, preparation, or substance containing cocaine, 2506
whoever violates division (A) of this section is guilty of 2507

possession of cocaine. The penalty for the offense shall be 2508
determined as follows: 2509

(a) Except as otherwise provided in division (C) (4) (b), 2510
(c), (d), (e), or (f) of this section, possession of cocaine is 2511
a felony of the fifth degree, and division (B) of section 2512
2929.13 of the Revised Code applies in determining whether to 2513
impose a prison term on the offender. 2514

(b) If the amount of the drug involved equals or exceeds 2515
five grams but is less than ten grams of cocaine, possession of 2516
cocaine is a felony of the fourth degree, and division (B) of 2517
section 2929.13 of the Revised Code applies in determining 2518
whether to impose a prison term on the offender. 2519

(c) If the amount of the drug involved equals or exceeds 2520
ten grams but is less than twenty grams of cocaine, possession 2521
of cocaine is a felony of the third degree, and, except as 2522
otherwise provided in this division, there is a presumption for 2523
a prison term for the offense. If possession of cocaine is a 2524
felony of the third degree under this division and if the 2525
offender two or more times previously has been convicted of or 2526
pleaded guilty to a felony drug abuse offense, the court shall 2527
impose as a mandatory prison term one of the prison terms 2528
prescribed for a felony of the third degree. 2529

(d) If the amount of the drug involved equals or exceeds 2530
twenty grams but is less than twenty-seven grams of cocaine, 2531
possession of cocaine is a felony of the second degree, and the 2532
court shall impose as a mandatory prison term a second degree 2533
felony mandatory prison term. 2534

(e) If the amount of the drug involved equals or exceeds 2535
twenty-seven grams but is less than one hundred grams of 2536

cocaine, possession of cocaine is a felony of the first degree, 2537
and the court shall impose as a mandatory prison term a first 2538
degree felony mandatory prison term. 2539

(f) If the amount of the drug involved equals or exceeds 2540
one hundred grams of cocaine, possession of cocaine is a felony 2541
of the first degree, the offender is a major drug offender, and 2542
the court shall impose as a mandatory prison term a maximum 2543
first degree felony mandatory prison term. 2544

(5) If the drug involved in the violation is L.S.D., 2545
whoever violates division (A) of this section is guilty of 2546
possession of L.S.D. The penalty for the offense shall be 2547
determined as follows: 2548

(a) Except as otherwise provided in division (C) (5) (b), 2549
(c), (d), (e), or (f) of this section, possession of L.S.D. is a 2550
felony of the fifth degree, and division (B) of section 2929.13 2551
of the Revised Code applies in determining whether to impose a 2552
prison term on the offender. 2553

(b) If the amount of L.S.D. involved equals or exceeds ten 2554
unit doses but is less than fifty unit doses of L.S.D. in a 2555
solid form or equals or exceeds one gram but is less than five 2556
grams of L.S.D. in a liquid concentrate, liquid extract, or 2557
liquid distillate form, possession of L.S.D. is a felony of the 2558
fourth degree, and division (C) of section 2929.13 of the 2559
Revised Code applies in determining whether to impose a prison 2560
term on the offender. 2561

(c) If the amount of L.S.D. involved equals or exceeds 2562
fifty unit doses, but is less than two hundred fifty unit doses 2563
of L.S.D. in a solid form or equals or exceeds five grams but is 2564
less than twenty-five grams of L.S.D. in a liquid concentrate, 2565

liquid extract, or liquid distillate form, possession of L.S.D. 2566
is a felony of the third degree, and there is a presumption for 2567
a prison term for the offense. 2568

(d) If the amount of L.S.D. involved equals or exceeds two 2569
hundred fifty unit doses but is less than one thousand unit 2570
doses of L.S.D. in a solid form or equals or exceeds twenty-five 2571
grams but is less than one hundred grams of L.S.D. in a liquid 2572
concentrate, liquid extract, or liquid distillate form, 2573
possession of L.S.D. is a felony of the second degree, and the 2574
court shall impose as a mandatory prison term a second degree 2575
felony mandatory prison term. 2576

(e) If the amount of L.S.D. involved equals or exceeds one 2577
thousand unit doses but is less than five thousand unit doses of 2578
L.S.D. in a solid form or equals or exceeds one hundred grams 2579
but is less than five hundred grams of L.S.D. in a liquid 2580
concentrate, liquid extract, or liquid distillate form, 2581
possession of L.S.D. is a felony of the first degree, and the 2582
court shall impose as a mandatory prison term a first degree 2583
felony mandatory prison term. 2584

(f) If the amount of L.S.D. involved equals or exceeds 2585
five thousand unit doses of L.S.D. in a solid form or equals or 2586
exceeds five hundred grams of L.S.D. in a liquid concentrate, 2587
liquid extract, or liquid distillate form, possession of L.S.D. 2588
is a felony of the first degree, the offender is a major drug 2589
offender, and the court shall impose as a mandatory prison term 2590
a maximum first degree felony mandatory prison term. 2591

(6) If the drug involved in the violation is heroin or a 2592
compound, mixture, preparation, or substance containing heroin, 2593
whoever violates division (A) of this section is guilty of 2594
possession of heroin. The penalty for the offense shall be 2595

determined as follows: 2596

(a) Except as otherwise provided in division (C) (6) (b), 2597
(c), (d), (e), or (f) of this section, possession of heroin is a 2598
felony of the fifth degree, and division (B) of section 2929.13 2599
of the Revised Code applies in determining whether to impose a 2600
prison term on the offender. 2601

(b) If the amount of the drug involved equals or exceeds 2602
ten unit doses but is less than fifty unit doses or equals or 2603
exceeds one gram but is less than five grams, possession of 2604
heroin is a felony of the fourth degree, and division (C) of 2605
section 2929.13 of the Revised Code applies in determining 2606
whether to impose a prison term on the offender. 2607

(c) If the amount of the drug involved equals or exceeds 2608
fifty unit doses but is less than one hundred unit doses or 2609
equals or exceeds five grams but is less than ten grams, 2610
possession of heroin is a felony of the third degree, and there 2611
is a presumption for a prison term for the offense. 2612

(d) If the amount of the drug involved equals or exceeds 2613
one hundred unit doses but is less than five hundred unit doses 2614
or equals or exceeds ten grams but is less than fifty grams, 2615
possession of heroin is a felony of the second degree, and the 2616
court shall impose as a mandatory prison term a second degree 2617
felony mandatory prison term. 2618

(e) If the amount of the drug involved equals or exceeds 2619
five hundred unit doses but is less than one thousand unit doses 2620
or equals or exceeds fifty grams but is less than one hundred 2621
grams, possession of heroin is a felony of the first degree, and 2622
the court shall impose as a mandatory prison term a first degree 2623
felony mandatory prison term. 2624

(f) If the amount of the drug involved equals or exceeds 2625
one thousand unit doses or equals or exceeds one hundred grams, 2626
possession of heroin is a felony of the first degree, the 2627
offender is a major drug offender, and the court shall impose as 2628
a mandatory prison term a maximum first degree felony mandatory 2629
prison term. 2630

(7) If the drug involved in the violation is hashish or a 2631
compound, mixture, preparation, or substance containing hashish, 2632
whoever violates division (A) of this section is guilty of 2633
possession of hashish. The penalty for the offense shall be 2634
determined as follows: 2635

(a) Except as otherwise provided in division (C) (7) (b), 2636
(c), (d), (e), (f), or (g) of this section, possession of 2637
hashish is a minor misdemeanor. 2638

(b) If the amount of the drug involved equals or exceeds 2639
five grams but is less than ten grams of hashish in a solid form 2640
or equals or exceeds one gram but is less than two grams of 2641
hashish in a liquid concentrate, liquid extract, or liquid 2642
distillate form, possession of hashish is a misdemeanor of the 2643
fourth degree. 2644

(c) If the amount of the drug involved equals or exceeds 2645
ten grams but is less than fifty grams of hashish in a solid 2646
form or equals or exceeds two grams but is less than ten grams 2647
of hashish in a liquid concentrate, liquid extract, or liquid 2648
distillate form, possession of hashish is a felony of the fifth 2649
degree, and division (B) of section 2929.13 of the Revised Code 2650
applies in determining whether to impose a prison term on the 2651
offender. 2652

(d) If the amount of the drug involved equals or exceeds 2653

fifty grams but is less than two hundred fifty grams of hashish 2654
in a solid form or equals or exceeds ten grams but is less than 2655
fifty grams of hashish in a liquid concentrate, liquid extract, 2656
or liquid distillate form, possession of hashish is a felony of 2657
the third degree, and division (C) of section 2929.13 of the 2658
Revised Code applies in determining whether to impose a prison 2659
term on the offender. 2660

(e) If the amount of the drug involved equals or exceeds 2661
two hundred fifty grams but is less than one thousand grams of 2662
hashish in a solid form or equals or exceeds fifty grams but is 2663
less than two hundred grams of hashish in a liquid concentrate, 2664
liquid extract, or liquid distillate form, possession of hashish 2665
is a felony of the third degree, and there is a presumption that 2666
a prison term shall be imposed for the offense. 2667

(f) If the amount of the drug involved equals or exceeds 2668
one thousand grams but is less than two thousand grams of 2669
hashish in a solid form or equals or exceeds two hundred grams 2670
but is less than four hundred grams of hashish in a liquid 2671
concentrate, liquid extract, or liquid distillate form, 2672
possession of hashish is a felony of the second degree, and the 2673
court shall impose as a mandatory prison term a second degree 2674
felony mandatory prison term of five, six, seven, or eight 2675
years. 2676

(g) If the amount of the drug involved equals or exceeds 2677
two thousand grams of hashish in a solid form or equals or 2678
exceeds four hundred grams of hashish in a liquid concentrate, 2679
liquid extract, or liquid distillate form, possession of hashish 2680
is a felony of the second degree, and the court shall impose as 2681
a mandatory prison term a maximum second degree felony mandatory 2682
prison term. 2683

(8) If the drug involved is a controlled substance analog 2684
or compound, mixture, preparation, or substance that contains a 2685
controlled substance analog, whoever violates division (A) of 2686
this section is guilty of possession of a controlled substance 2687
analog. The penalty for the offense shall be determined as 2688
follows: 2689

(a) Except as otherwise provided in division (C) (8) (b), 2690
(c), (d), (e), or (f) of this section, possession of a 2691
controlled substance analog is a felony of the fifth degree, and 2692
division (B) of section 2929.13 of the Revised Code applies in 2693
determining whether to impose a prison term on the offender. 2694

(b) If the amount of the drug involved equals or exceeds 2695
ten grams but is less than twenty grams, possession of a 2696
controlled substance analog is a felony of the fourth degree, 2697
and there is a presumption for a prison term for the offense. 2698

(c) If the amount of the drug involved equals or exceeds 2699
twenty grams but is less than thirty grams, possession of a 2700
controlled substance analog is a felony of the third degree, and 2701
there is a presumption for a prison term for the offense. 2702

(d) If the amount of the drug involved equals or exceeds 2703
thirty grams but is less than forty grams, possession of a 2704
controlled substance analog is a felony of the second degree, 2705
and the court shall impose as a mandatory prison term a second 2706
degree felony mandatory prison term. 2707

(e) If the amount of the drug involved equals or exceeds 2708
forty grams but is less than fifty grams, possession of a 2709
controlled substance analog is a felony of the first degree, and 2710
the court shall impose as a mandatory prison term a first degree 2711
felony mandatory prison term. 2712

(f) If the amount of the drug involved equals or exceeds 2713
fifty grams, possession of a controlled substance analog is a 2714
felony of the first degree, the offender is a major drug 2715
offender, and the court shall impose as a mandatory prison term 2716
a maximum first degree felony mandatory prison term. 2717

(9) If the drug involved in the violation is a compound, 2718
mixture, preparation, or substance that is a combination of a 2719
fentanyl-related compound and marihuana, one of the following 2720
applies: 2721

(a) Except as otherwise provided in division (C) (9) (b) of 2722
this section, the offender is guilty of possession of marihuana 2723
and shall be punished as provided in division (C) (3) of this 2724
section. Except as otherwise provided in division (C) (9) (b) of 2725
this section, the offender is not guilty of possession of a 2726
fentanyl-related compound under division (C) (11) of this section 2727
and shall not be charged with, convicted of, or punished under 2728
division (C) (11) of this section for possession of a fentanyl- 2729
related compound. 2730

(b) If the offender knows or has reason to know that the 2731
compound, mixture, preparation, or substance that is the drug 2732
involved contains a fentanyl-related compound, the offender is 2733
guilty of possession of a fentanyl-related compound and shall be 2734
punished under division (C) (11) of this section. 2735

(10) If the drug involved in the violation is a compound, 2736
mixture, preparation, or substance that is a combination of a 2737
fentanyl-related compound and any schedule III, schedule IV, or 2738
schedule V controlled substance that is not a fentanyl-related 2739
compound, one of the following applies: 2740

(a) Except as otherwise provided in division (C) (10) (b) of 2741

this section, the offender is guilty of possession of drugs and 2742
shall be punished as provided in division (C) (2) of this 2743
section. Except as otherwise provided in division (C) (10) (b) of 2744
this section, the offender is not guilty of possession of a 2745
fentanyl-related compound under division (C) (11) of this section 2746
and shall not be charged with, convicted of, or punished under 2747
division (C) (11) of this section for possession of a fentanyl- 2748
related compound. 2749

(b) If the offender knows or has reason to know that the 2750
compound, mixture, preparation, or substance that is the drug 2751
involved contains a fentanyl-related compound, the offender is 2752
guilty of possession of a fentanyl-related compound and shall be 2753
punished under division (C) (11) of this section. 2754

(11) If the drug involved in the violation is a fentanyl- 2755
related compound and neither division (C) (9) (a) nor division (C) 2756
(10) (a) of this section applies to the drug involved, or is a 2757
compound, mixture, preparation, or substance that contains a 2758
fentanyl-related compound or is a combination of a fentanyl- 2759
related compound and any other controlled substance and neither 2760
division (C) (9) (a) nor division (C) (10) (a) of this section 2761
applies to the drug involved, whoever violates division (A) of 2762
this section is guilty of possession of a fentanyl-related 2763
compound. The penalty for the offense shall be determined as 2764
follows: 2765

(a) Except as otherwise provided in division (C) (11) (b), 2766
(c), (d), (e), (f), or (g) of this section, possession of a 2767
fentanyl-related compound is a felony of the fifth degree, and 2768
division (B) of section 2929.13 of the Revised Code applies in 2769
determining whether to impose a prison term on the offender. 2770

(b) If the amount of the drug involved equals or exceeds 2771

ten unit doses but is less than fifty unit doses or equals or 2772
exceeds one gram but is less than five grams, possession of a 2773
fentanyl-related compound is a felony of the fourth degree, and 2774
division (C) of section 2929.13 of the Revised Code applies in 2775
determining whether to impose a prison term on the offender. 2776

(c) If the amount of the drug involved equals or exceeds 2777
fifty unit doses but is less than one hundred unit doses or 2778
equals or exceeds five grams but is less than ten grams, 2779
possession of a fentanyl-related compound is a felony of the 2780
third degree, and there is a presumption for a prison term for 2781
the offense. 2782

(d) If the amount of the drug involved equals or exceeds 2783
one hundred unit doses but is less than two hundred unit doses 2784
or equals or exceeds ten grams but is less than twenty grams, 2785
possession of a fentanyl-related compound is a felony of the 2786
second degree, and the court shall impose as a mandatory prison 2787
term one of the prison terms prescribed for a felony of the 2788
second degree. 2789

(e) If the amount of the drug involved equals or exceeds 2790
two hundred unit doses but is less than five hundred unit doses 2791
or equals or exceeds twenty grams but is less than fifty grams, 2792
possession of a fentanyl-related compound is a felony of the 2793
first degree, and the court shall impose as a mandatory prison 2794
term one of the prison terms prescribed for a felony of the 2795
first degree. 2796

(f) If the amount of the drug involved equals or exceeds 2797
five hundred unit doses but is less than one thousand unit doses 2798
or equals or exceeds fifty grams but is less than one hundred 2799
grams, possession of a fentanyl-related compound is a felony of 2800
the first degree, and the court shall impose as a mandatory 2801

prison term the maximum prison term prescribed for a felony of 2802
the first degree. 2803

(g) If the amount of the drug involved equals or exceeds 2804
one thousand unit doses or equals or exceeds one hundred grams, 2805
possession of a fentanyl-related compound is a felony of the 2806
first degree, the offender is a major drug offender, and the 2807
court shall impose as a mandatory prison term the maximum prison 2808
term prescribed for a felony of the first degree. 2809

(D) Arrest or conviction for a minor misdemeanor violation 2810
of this section does not constitute a criminal record and need 2811
not be reported by the person so arrested or convicted in 2812
response to any inquiries about the person's criminal record, 2813
including any inquiries contained in any application for 2814
employment, license, or other right or privilege, or made in 2815
connection with the person's appearance as a witness. 2816

(E) In addition to any prison term or jail term authorized 2817
or required by division (C) of this section and sections 2818
2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised 2819
Code and in addition to any other sanction that is imposed for 2820
the offense under this section, sections 2929.11 to 2929.18, or 2821
sections 2929.21 to 2929.28 of the Revised Code, ~~the court that~~ 2822
~~sentences an offender who is convicted of or pleads guilty to a~~ 2823
~~violation of division (A) of this section may suspend the~~ 2824
~~offender's driver's or commercial driver's license or permit for~~ 2825
~~not more than five years. However, if the offender pleaded~~ 2826
~~guilty to or was convicted of a violation of section 4511.19 of~~ 2827
~~the Revised Code or a substantially similar municipal ordinance~~ 2828
~~or the law of another state or the United States arising out of~~ 2829
~~the same set of circumstances as the violation, the court shall~~ 2830
~~suspend the offender's driver's or commercial driver's license~~ 2831

~~or permit for not more than five years. If if applicable, the~~ 2832
court also shall do the following: 2833

(1) (a) If the violation is a felony of the first, second, 2834
or third degree, the court shall impose upon the offender the 2835
mandatory fine specified for the offense under division (B) (1) 2836
of section 2929.18 of the Revised Code unless, as specified in 2837
that division, the court determines that the offender is 2838
indigent. 2839

(b) Notwithstanding any contrary provision of section 2840
3719.21 of the Revised Code, the clerk of the court shall pay a 2841
mandatory fine or other fine imposed for a violation of this 2842
section pursuant to division (A) of section 2929.18 of the 2843
Revised Code in accordance with and subject to the requirements 2844
of division (F) of section 2925.03 of the Revised Code. The 2845
agency that receives the fine shall use the fine as specified in 2846
division (F) of section 2925.03 of the Revised Code. 2847

(c) If a person is charged with a violation of this 2848
section that is a felony of the first, second, or third degree, 2849
posts bail, and forfeits the bail, the clerk shall pay the 2850
forfeited bail pursuant to division (E) (1) (b) of this section as 2851
if it were a mandatory fine imposed under division (E) (1) (a) of 2852
this section. 2853

(2) If the offender is a professionally licensed person, 2854
in addition to any other sanction imposed for a violation of 2855
this section, the court immediately shall comply with section 2856
2925.38 of the Revised Code. 2857

(3) If the offender has a driver's or commercial driver's 2858
license or permit, section 2929.33 of the Revised Code applies. 2859

(F) It is an affirmative defense, as provided in section 2860

2901.05 of the Revised Code, to a charge of a fourth degree 2861
felony violation under this section that the controlled 2862
substance that gave rise to the charge is in an amount, is in a 2863
form, is prepared, compounded, or mixed with substances that are 2864
not controlled substances in a manner, or is possessed under any 2865
other circumstances, that indicate that the substance was 2866
possessed solely for personal use. Notwithstanding any contrary 2867
provision of this section, if, in accordance with section 2868
2901.05 of the Revised Code, an accused who is charged with a 2869
fourth degree felony violation of division (C) (2), (4), (5), or 2870
(6) of this section sustains the burden of going forward with 2871
evidence of and establishes by a preponderance of the evidence 2872
the affirmative defense described in this division, the accused 2873
may be prosecuted for and may plead guilty to or be convicted of 2874
a misdemeanor violation of division (C) (2) of this section or a 2875
fifth degree felony violation of division (C) (4), (5), or (6) of 2876
this section respectively. 2877

(G) When a person is charged with possessing a bulk amount 2878
or multiple of a bulk amount, division (E) of section 2925.03 of 2879
the Revised Code applies regarding the determination of the 2880
amount of the controlled substance involved at the time of the 2881
offense. 2882

(H) It is an affirmative defense to a charge of possession 2883
of a controlled substance analog under division (C) (8) of this 2884
section that the person charged with violating that offense 2885
obtained, possessed, or used one of the following items that are 2886
excluded from the meaning of "controlled substance analog" under 2887
section 3719.01 of the Revised Code: 2888

(1) A controlled substance; 2889

(2) Any substance for which there is an approved new drug 2890

application; 2891

(3) With respect to a particular person, any substance if 2892
an exemption is in effect for investigational use for that 2893
person pursuant to federal law to the extent that conduct with 2894
respect to that substance is pursuant to that exemption. 2895

(I) Any offender who received a mandatory suspension of 2896
the offender's driver's or commercial driver's license or permit 2897
under this section prior to September 13, 2016, may file a 2898
motion with the sentencing court requesting the termination of 2899
the suspension. However, an offender who pleaded guilty to or 2900
was convicted of a violation of section 4511.19 of the Revised 2901
Code or a substantially similar municipal ordinance or law of 2902
another state or the United States that arose out of the same 2903
set of circumstances as the violation for which the offender's 2904
license or permit was suspended under this section shall not 2905
file such a motion. 2906

Upon the filing of a motion under division (I) of this 2907
section, the sentencing court, in its discretion, may terminate 2908
the suspension. 2909

Sec. 2925.12. (A) No person shall knowingly make, obtain, 2910
possess, or use any instrument, article, or thing the customary 2911
and primary purpose of which is for the administration or use of 2912
a dangerous drug, other than marihuana, when the instrument 2913
involved is a hypodermic or syringe, whether or not of crude or 2914
extemporized manufacture or assembly, and the instrument, 2915
article, or thing involved has been used by the offender to 2916
unlawfully administer or use a dangerous drug, other than 2917
marihuana, or to prepare a dangerous drug, other than marihuana, 2918
for unlawful administration or use. 2919

(B) (1) This section does not apply to manufacturers, 2920
licensed health professionals authorized to prescribe drugs, 2921
pharmacists, owners of pharmacies, and other persons whose 2922
conduct was in accordance with Chapters 3719., 4715., 4723., 2923
4729., 4730., 4731., and 4741. of the Revised Code. 2924

(2) Division (B) (2) of section 2925.11 of the Revised Code 2925
applies with respect to a violation of this section when a 2926
person seeks or obtains medical assistance for another person 2927
who is experiencing a drug overdose, a person experiences a drug 2928
overdose and seeks medical assistance for that overdose, or a 2929
person is the subject of another person seeking or obtaining 2930
medical assistance for that overdose. 2931

(C) Whoever violates this section is guilty of possessing 2932
drug abuse instruments, a misdemeanor of the second degree. If 2933
the offender previously has been convicted of a drug abuse 2934
offense, a violation of this section is a misdemeanor of the 2935
first degree. 2936

(D) (1) ~~In addition to any other sanction imposed upon an~~ 2937
~~offender for a violation of this section, the court may suspend~~ 2938
~~for not more than five years the offender's driver's or~~ 2939
~~commercial driver's license or permit. However, if the offender~~ 2940
~~pleaded guilty to or was convicted of a violation of section~~ 2941
~~4511.19 of the Revised Code or a substantially similar municipal~~ 2942
~~ordinance or the law of another state or the United States~~ 2943
~~arising out of the same set of circumstances as the violation,~~ 2944
~~the court shall suspend the offender's driver's or commercial~~ 2945
~~driver's license or permit for not more than five years. If the~~ 2946
offender is a professionally licensed person, in addition to any 2947
other sanction imposed for a violation of this section, the 2948
court immediately shall comply with section 2925.38 of the 2949

Revised Code. 2950

If the offender has a driver's or commercial driver's 2951
license or permit, section 2929.33 of the Revised Code applies. 2952

(2) Any offender who received a mandatory suspension of 2953
the offender's driver's or commercial driver's license or permit 2954
under this section prior to September 13, 2016,—may file a 2955
motion with the sentencing court requesting the termination of 2956
the suspension. However, an offender who pleaded guilty to or 2957
was convicted of a violation of section 4511.19 of the Revised 2958
Code or a substantially similar municipal ordinance or law of 2959
another state or the United States that arose out of the same 2960
set of circumstances as the violation for which the offender's 2961
license or permit was suspended under this section shall not 2962
file such a motion. 2963

Upon the filing of a motion under division (D)(2) of this 2964
section, the sentencing court, in its discretion, may terminate 2965
the suspension. 2966

Sec. 2925.13. (A) No person who is the owner, operator, or 2967
person in charge of a locomotive, watercraft, aircraft, or other 2968
vehicle, as defined in division (A) of section 4501.01 of the 2969
Revised Code, shall knowingly permit the vehicle to be used for 2970
the commission of a felony drug abuse offense. 2971

(B) No person who is the owner, lessee, or occupant, or 2972
who has custody, control, or supervision, of premises or real 2973
estate, including vacant land, shall knowingly permit the 2974
premises or real estate, including vacant land, to be used for 2975
the commission of a felony drug abuse offense by another person. 2976

(C) (1) Whoever violates this section is guilty of 2977
permitting drug abuse. 2978

(2) Except as provided in division (C) (3) of this section, 2979
permitting drug abuse is a misdemeanor of the first degree. 2980

(3) Permitting drug abuse is a felony of the fifth degree, 2981
and division (C) of section 2929.13 of the Revised Code applies 2982
in determining whether to impose a prison term on the offender, 2983
if either of the following applies: 2984

(a) The felony drug abuse offense in question is a 2985
violation of section 2925.02, 2925.03, or 2925.04 of the Revised 2986
Code. 2987

(b) The felony drug abuse offense in question is a 2988
violation of section 2925.041 of the Revised Code and the 2989
offender had actual knowledge, at the time the offender 2990
permitted the vehicle, premises, or real estate to be used as 2991
described in division (A) or (B) of this section, that the 2992
person who assembled or possessed the chemicals in question in 2993
violation of section 2925.041 of the Revised Code had assembled 2994
or possessed them with the intent to manufacture a controlled 2995
substance in schedule I or II in violation of section 2925.04 of 2996
the Revised Code. 2997

~~(D) (1) In addition to any prison term authorized or 2998
required by division (C) of this section and sections 2929.13- 2999
and 2929.14 of the Revised Code and in addition to any other 3000
sanction imposed for the offense under this section or sections- 3001
2929.11 to 2929.18 of the Revised Code, the court that sentences- 3002
a person who is convicted of or pleads guilty to a violation of 3003
division (A) of this section may suspend for not more than five- 3004
years the offender's driver's or commercial driver's license or 3005
permit. However, if the offender pleaded guilty to or was 3006
convicted of a violation of section 4511.19 of the Revised Code- 3007
or a substantially similar municipal ordinance or the law of- 3008~~

~~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 file such a motion.

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

(E) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of the court shall pay a 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 3038
the fine shall use the fine as specified in division (F) of 3039
section 2925.03 of the Revised Code. 3040

(F) Any premises or real estate that is permitted to be 3041
used in violation of division (B) of this section constitutes a 3042
nuisance subject to abatement pursuant to Chapter 3767. of the 3043
Revised Code. 3044

Sec. 2925.14. (A) As used in this section, "drug 3045
paraphernalia" means any equipment, product, or material of any 3046
kind that is used by the offender, intended by the offender for 3047
use, or designed for use, in propagating, cultivating, growing, 3048
harvesting, manufacturing, compounding, converting, producing, 3049
processing, preparing, testing, analyzing, packaging, 3050
repackaging, storing, containing, concealing, injecting, 3051
ingesting, inhaling, or otherwise introducing into the human 3052
body, a controlled substance in violation of this chapter. "Drug 3053
paraphernalia" includes, but is not limited to, any of the 3054
following equipment, products, or materials that are used by the 3055
offender, intended by the offender for use, or designed by the 3056
offender for use, in any of the following manners: 3057

(1) A kit for propagating, cultivating, growing, or 3058
harvesting any species of a plant that is a controlled substance 3059
or from which a controlled substance can be derived; 3060

(2) A kit for manufacturing, compounding, converting, 3061
producing, processing, or preparing a controlled substance; 3062

(3) Any object, instrument, or device for manufacturing, 3063
compounding, converting, producing, processing, or preparing 3064
methamphetamine; 3065

(4) An isomerization device for increasing the potency of 3066

any species of a plant that is a controlled substance;	3067
(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;	3068 3069 3070
(6) A scale or balance for weighing or measuring a controlled substance;	3071 3072
(7) A diluent or adulterant, such as quinine hydrochloride, mannitol, mannite, dextrose, or lactose, for cutting a controlled substance;	3073 3074 3075
(8) A separation gin or sifter for removing twigs and seeds from, or otherwise cleaning or refining, marihuana;	3076 3077
(9) A blender, bowl, container, spoon, or mixing device for compounding a controlled substance;	3078 3079
(10) A capsule, balloon, envelope, or container for packaging small quantities of a controlled substance;	3080 3081
(11) A container or device for storing or concealing a controlled substance;	3082 3083
(12) A hypodermic syringe, needle, or instrument for parenterally injecting a controlled substance into the human body;	3084 3085 3086
(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	3087 3088 3089 3090 3091 3092 3093 3094

too small or too short to be held in the hand; miniature cocaine 3095
spoon, or cocaine vial; chamber pipe; carburetor pipe; electric 3096
pipe; air driver pipe; chillum; bong; or ice pipe or chiller. 3097

(B) In determining if any equipment, product, or material 3098
is drug paraphernalia, a court or law enforcement officer shall 3099
consider, in addition to other relevant factors, the following: 3100

(1) Any statement by the owner, or by anyone in control, 3101
of the equipment, product, or material, concerning its use; 3102

(2) The proximity in time or space of the equipment, 3103
product, or material, or of the act relating to the equipment, 3104
product, or material, to a violation of any provision of this 3105
chapter; 3106

(3) The proximity of the equipment, product, or material 3107
to any controlled substance; 3108

(4) The existence of any residue of a controlled substance 3109
on the equipment, product, or material; 3110

(5) Direct or circumstantial evidence of the intent of the 3111
owner, or of anyone in control, of the equipment, product, or 3112
material, to deliver it to any person whom the owner or person 3113
in control of the equipment, product, or material knows intends 3114
to use the object to facilitate a violation of any provision of 3115
this chapter. A finding that the owner, or anyone in control, of 3116
the equipment, product, or material, is not guilty of a 3117
violation of any other provision of this chapter does not 3118
prevent a finding that the equipment, product, or material was 3119
intended or designed by the offender for use as drug 3120
paraphernalia. 3121

(6) Any oral or written instruction provided with the 3122
equipment, product, or material concerning its use; 3123

(7) Any descriptive material accompanying the equipment,	3124
product, or material and explaining or depicting its use;	3125
(8) National or local advertising concerning the use of	3126
the equipment, product, or material;	3127
(9) The manner and circumstances in which the equipment,	3128
product, or material is displayed for sale;	3129
(10) Direct or circumstantial evidence of the ratio of the	3130
sales of the equipment, product, or material to the total sales	3131
of the business enterprise;	3132
(11) The existence and scope of legitimate uses of the	3133
equipment, product, or material in the community;	3134
(12) Expert testimony concerning the use of the equipment,	3135
product, or material.	3136
(C) (1) Subject to divisions (D) (2), (3), and (4) of this	3137
section, no person shall knowingly use, or possess with purpose	3138
to use, drug paraphernalia.	3139
(2) No person shall knowingly sell, or possess or	3140
manufacture with purpose to sell, drug paraphernalia, if the	3141
person knows or reasonably should know that the equipment,	3142
product, or material will be used as drug paraphernalia.	3143
(3) No person shall place an advertisement in any	3144
newspaper, magazine, handbill, or other publication that is	3145
published and printed and circulates primarily within this	3146
state, if the person knows that the purpose of the advertisement	3147
is to promote the illegal sale in this state of the equipment,	3148
product, or material that the offender intended or designed for	3149
use as drug paraphernalia.	3150
(D) (1) This section does not apply to manufacturers,	3151

licensed health professionals authorized to prescribe drugs, 3152
pharmacists, owners of pharmacies, and other persons whose 3153
conduct is in accordance with Chapters 3719., 4715., 4723., 3154
4729., 4730., 4731., and 4741. of the Revised Code. This section 3155
shall not be construed to prohibit the possession or use of a 3156
hypodermic as authorized by section 3719.172 of the Revised 3157
Code. 3158

(2) Division (C) (1) of this section does not apply to a 3159
person's use, or possession with purpose to use, any drug 3160
paraphernalia that is equipment, a product, or material of any 3161
kind that is used by the person, intended by the person for use, 3162
or designed for use in storing, containing, concealing, 3163
injecting, ingesting, inhaling, or otherwise introducing into 3164
the human body marihuana. 3165

(3) Division (B) (2) of section 2925.11 of the Revised Code 3166
applies with respect to a violation of division (C) (1) of this 3167
section when a person seeks or obtains medical assistance for 3168
another person who is experiencing a drug overdose, a person 3169
experiences a drug overdose and seeks medical assistance for 3170
that overdose, or a person is the subject of another person 3171
seeking or obtaining medical assistance for that overdose. 3172

(4) Division (C) (1) of this section does not apply to a 3173
person's use, or possession with purpose to use, any drug 3174
testing strips to determine the presence of fentanyl or a 3175
fentanyl-related compound. 3176

(E) Notwithstanding Chapter 2981. of the Revised Code, any 3177
drug paraphernalia that was used, possessed, sold, or 3178
manufactured in a violation of this section shall be seized, 3179
after a conviction for that violation shall be forfeited, and 3180
upon forfeiture shall be disposed of pursuant to division (B) of 3181

section 2981.12 of the Revised Code. 3182

(F) (1) Whoever violates division (C) (1) of this section is 3183
guilty of illegal use or possession of drug paraphernalia, a 3184
misdemeanor of the fourth degree. 3185

(2) Except as provided in division (F) (3) of this section, 3186
whoever violates division (C) (2) of this section is guilty of 3187
dealing in drug paraphernalia, a misdemeanor of the second 3188
degree. 3189

(3) Whoever violates division (C) (2) of this section by 3190
selling drug paraphernalia to a juvenile is guilty of selling 3191
drug paraphernalia to juveniles, a misdemeanor of the first 3192
degree. 3193

(4) Whoever violates division (C) (3) of this section is 3194
guilty of illegal advertising of drug paraphernalia, a 3195
misdemeanor of the second degree. 3196

~~(G) (1) In addition to any other sanction imposed upon an 3197
offender for a violation of this section, the court may suspend 3198
for not more than five years the offender's driver's or 3199
commercial driver's license or permit. However, if the offender 3200
pleaded guilty to or was convicted of a violation of section 3201
4511.19 of the Revised Code or a substantially similar municipal 3202
ordinance or the law of another state or the United States 3203
arising out of the same set of circumstances as the violation, 3204
the court shall suspend the offender's driver's or commercial 3205
driver's license or permit for not more than five years. If the 3206
offender is a professionally licensed person, in addition to any 3207
other sanction imposed for a violation of this section, the 3208
court immediately shall comply with section 2925.38 of the 3209
Revised Code. 3210~~

If the offender has a driver's or commercial driver's 3211
license or permit, section 2929.33 of the Revised Code applies. 3212

(2) Any offender who received a mandatory suspension of 3213
the offender's driver's or commercial driver's license or permit 3214
under this section prior to September 13, 2016, may file a 3215
motion with the sentencing court requesting the termination of 3216
the suspension. However, an offender who pleaded guilty to or 3217
was convicted of a violation of section 4511.19 of the Revised 3218
Code or a substantially similar municipal ordinance or law of 3219
another state or the United States that arose out of the same 3220
set of circumstances as the violation for which the offender's 3221
license or permit was suspended under this section shall not 3222
file such a motion. 3223

Upon the filing of a motion under division (G) (2) of this 3224
section, the sentencing court, in its discretion, may terminate 3225
the suspension. 3226

Sec. 2925.22. (A) No person, by deception, shall procure 3227
the administration of, a prescription for, or the dispensing of, 3228
a dangerous drug or shall possess an uncompleted preprinted 3229
prescription blank used for writing a prescription for a 3230
dangerous drug. 3231

(B) Whoever violates this section is guilty of deception 3232
to obtain a dangerous drug. The penalty for the offense shall be 3233
determined as follows: 3234

(1) If the person possesses an uncompleted preprinted 3235
prescription blank used for writing a prescription for a 3236
dangerous drug or if the drug involved is a dangerous drug, 3237
except as otherwise provided in division (B) (2) or (3) of this 3238
section, deception to obtain a dangerous drug is a felony of the 3239

fifth degree or, if the offender previously has been convicted 3240
of or pleaded guilty to a drug abuse offense, a felony of the 3241
fourth degree. Division (C) of section 2929.13 of the Revised 3242
Code applies in determining whether to impose a prison term on 3243
the offender pursuant to this division. 3244

(2) If the drug involved is a compound, mixture, 3245
preparation, or substance included in schedule I or II, with the 3246
exception of marihuana, the penalty for deception to obtain 3247
drugs is one of the following: 3248

(a) Except as otherwise provided in division (B) (2) (b), 3249
(c), or (d) of this section, it is a felony of the fourth 3250
degree, and division (C) of section 2929.13 of the Revised Code 3251
applies in determining whether to impose a prison term on the 3252
offender. 3253

(b) If the amount of the drug involved equals or exceeds 3254
the bulk amount but is less than five times the bulk amount, or 3255
if the amount of the drug involved that could be obtained 3256
pursuant to the prescription would equal or exceed the bulk 3257
amount but would be less than five times the bulk amount, it is 3258
a felony of the third degree, and there is a presumption for a 3259
prison term for the offense. 3260

(c) If the amount of the drug involved equals or exceeds 3261
five times the bulk amount but is less than fifty times the bulk 3262
amount, or if the amount of the drug involved that could be 3263
obtained pursuant to the prescription would equal or exceed five 3264
times the bulk amount but would be less than fifty times the 3265
bulk amount, it is a felony of the second degree, and there is a 3266
presumption for a prison term for the offense. 3267

(d) If the amount of the drug involved equals or exceeds 3268

fifty times the bulk amount, or if the amount of the drug 3269
involved that could be obtained pursuant to the prescription 3270
would equal or exceed fifty times the bulk amount, it is a 3271
felony of the first degree, and there is a presumption for a 3272
prison term for the offense. 3273

(3) If the drug involved is a compound, mixture, 3274
preparation, or substance included in schedule III, IV, or V or 3275
is marihuana, the penalty for deception to obtain a dangerous 3276
drug is one of the following: 3277

(a) Except as otherwise provided in division (B) (3) (b), 3278
(c), or (d) of this section, it is a felony of the fifth degree, 3279
and division (C) of section 2929.13 of the Revised Code applies 3280
in determining whether to impose a prison term on the offender. 3281

(b) If the amount of the drug involved equals or exceeds 3282
the bulk amount but is less than five times the bulk amount, or 3283
if the amount of the drug involved that could be obtained 3284
pursuant to the prescription would equal or exceed the bulk 3285
amount but would be less than five times the bulk amount, it is 3286
a felony of the fourth degree, and division (C) of section 3287
2929.13 of the Revised Code applies in determining whether to 3288
impose a prison term on the offender. 3289

(c) If the amount of the drug involved equals or exceeds 3290
five times the bulk amount but is less than fifty times the bulk 3291
amount, or if the amount of the drug involved that could be 3292
obtained pursuant to the prescription would equal or exceed five 3293
times the bulk amount but would be less than fifty times the 3294
bulk amount, it is a felony of the third degree, and there is a 3295
presumption for a prison term for the offense. 3296

(d) If the amount of the drug involved equals or exceeds 3297

fifty times the bulk amount, or if the amount of the drug 3298
involved that could be obtained pursuant to the prescription 3299
would equal or exceed fifty times the bulk amount, it is a 3300
felony of the second degree, and there is a presumption for a 3301
prison term for the offense. 3302

~~(C) (1) In addition to any prison term authorized or 3303
required by division (B) of this section and sections 2929.13- 3304
and 2929.14 of the Revised Code and in addition to any other 3305
sanction imposed for the offense under this section or sections- 3306
2929.11 to 2929.18 of the Revised Code, the court that sentences- 3307
an offender who is convicted of or pleads guilty to a violation 3308
of division (A) of this section may suspend for not more than 3309
five years the offender's driver's or commercial driver's 3310
license or permit. However, if the offender pleaded guilty to or 3311
was convicted of a violation of section 4511.19 of the Revised- 3312
Code or a substantially similar municipal ordinance or the law 3313
of another state or the United States arising out of the same 3314
set of circumstances as the violation, the court shall suspend 3315
the offender's driver's or commercial driver's license or permit 3316
for not more than five years. 3317~~

If the offender is a professionally licensed person, in 3318
addition to any other sanction imposed for a violation of this 3319
section, the court immediately shall comply with section 2925.38 3320
of the Revised Code. 3321

If the offender has a driver's or commercial driver's 3322
license or permit, section 2929.33 of the Revised Code applies. 3323

(2) Any offender who received a mandatory suspension of 3324
the offender's driver's or commercial driver's license or permit 3325
under this section prior to ~~the effective date of this amendment-~~ 3326
September 13, 2016, may file a motion with the sentencing court 3327

requesting the termination of the suspension. However, an 3328
offender who pleaded guilty to or was convicted of a violation 3329
of section 4511.19 of the Revised Code or a substantially 3330
similar municipal ordinance or law of another state or the 3331
United States that arose out of the same set of circumstances as 3332
the violation for which the offender's license or permit was 3333
suspended under this section shall not file such a motion. 3334

Upon the filing of a motion under division (C) (2) of this 3335
section, the sentencing court, in its discretion, may terminate 3336
the suspension. 3337

(D) Notwithstanding any contrary provision of section 3338
3719.21 of the Revised Code, the clerk of the court shall pay a 3339
fine imposed for a violation of this section pursuant to 3340
division (A) of section 2929.18 of the Revised Code in 3341
accordance with and subject to the requirements of division (F) 3342
of section 2925.03 of the Revised Code. The agency that receives 3343
the fine shall use the fine as specified in division (F) of 3344
section 2925.03 of the Revised Code. 3345

Sec. 2925.23. (A) No person shall knowingly make a false 3346
statement in any prescription, order, report, or record required 3347
by Chapter 3719. or 4729. of the Revised Code. 3348

(B) No person shall intentionally make, utter, or sell, or 3349
knowingly possess any of the following that is a false or 3350
forged: 3351

(1) Prescription; 3352

(2) Uncompleted preprinted prescription blank used for 3353
writing a prescription; 3354

(3) Official written order; 3355

(4) License for a terminal distributor of dangerous drugs,	3356
as defined in section 4729.01 of the Revised Code;	3357
(5) License for a manufacturer of dangerous drugs,	3358
outsourcing facility, third-party logistics provider, repackager	3359
of dangerous drugs, or wholesale distributor of dangerous drugs,	3360
as defined in section 4729.01 of the Revised Code.	3361
(C) No person, by theft as defined in section 2913.02 of	3362
the Revised Code, shall acquire any of the following:	3363
(1) A prescription;	3364
(2) An uncompleted preprinted prescription blank used for	3365
writing a prescription;	3366
(3) An official written order;	3367
(4) A blank official written order;	3368
(5) A license or blank license for a terminal distributor	3369
of dangerous drugs, as defined in section 4729.01 of the Revised	3370
Code;	3371
(6) A license or blank license for a manufacturer of	3372
dangerous drugs, outsourcing facility, third-party logistics	3373
provider, repackager of dangerous drugs, or wholesale	3374
distributor of dangerous drugs, as defined in section 4729.01 of	3375
the Revised Code.	3376
(D) No person shall knowingly make or affix any false or	3377
forged label to a package or receptacle containing any dangerous	3378
drugs.	3379
(E) Divisions (A) and (D) of this section do not apply to	3380
licensed health professionals authorized to prescribe drugs,	3381
pharmacists, owners of pharmacies, and other persons whose	3382

conduct is in accordance with Chapters 3719., 4715., 4723., 3383
4725., 4729., 4730., 4731., and 4741. of the Revised Code. 3384

(F) Whoever violates this section is guilty of illegal 3385
processing of drug documents. If the offender violates division 3386
(B) (2), (4), or (5) or division (C) (2), (4), (5), or (6) of this 3387
section, illegal processing of drug documents is a felony of the 3388
fifth degree. If the offender violates division (A), division 3389
(B) (1) or (3), division (C) (1) or (3), or division (D) of this 3390
section, the penalty for illegal processing of drug documents 3391
shall be determined as follows: 3392

(1) If the drug involved is a compound, mixture, 3393
preparation, or substance included in schedule I or II, with the 3394
exception of marihuana, illegal processing of drug documents is 3395
a felony of the fourth degree, and division (C) of section 3396
2929.13 of the Revised Code applies in determining whether to 3397
impose a prison term on the offender. 3398

(2) If the drug involved is a dangerous drug or a 3399
compound, mixture, preparation, or substance included in 3400
schedule III, IV, or V or is marihuana, illegal processing of 3401
drug documents is a felony of the fifth degree, and division (C) 3402
of section 2929.13 of the Revised Code applies in determining 3403
whether to impose a prison term on the offender. 3404

~~(G) (1) In addition to any prison term authorized or 3405
required by division (F) of this section and sections 2929.13- 3406
and 2929.14 of the Revised Code and in addition to any other 3407
sanction imposed for the offense under this section or sections 3408
2929.11 to 2929.18 of the Revised Code, the court that sentences 3409
an offender who is convicted of or pleads guilty to any 3410
violation of divisions (A) to (D) of this section may suspend 3411
for not more than five years the offender's driver's or 3412~~

~~commercial driver's license or permit. However, if the offender— 3413
pleaded guilty to or was convicted of a violation of section— 3414
4511.19 of the Revised Code or a substantially similar municipal— 3415
ordinance or the law of another state or the United States— 3416
arising out of the same set of circumstances as the violation,— 3417
the court shall suspend the offender's driver's or commercial— 3418
driver's license or permit for not more than five years. 3419~~

If the offender is a professionally licensed person, in 3420
addition to any other sanction imposed for a violation of this 3421
section, the court immediately shall comply with section 2925.38 3422
of the Revised Code. 3423

If the offender has a driver's or commercial driver's 3424
license or permit, section 2929.33 of the Revised Code applies. 3425

(2) Any offender who received a mandatory suspension of 3426
the offender's driver's or commercial driver's license or permit 3427
under this section prior to September 13, 2016,—may file a 3428
motion with the sentencing court requesting the termination of 3429
the suspension. However, an offender who pleaded guilty to or 3430
was convicted of a violation of section 4511.19 of the Revised 3431
Code or a substantially similar municipal ordinance or law of 3432
another state or the United States that arose out of the same 3433
set of circumstances as the violation for which the offender's 3434
license or permit was suspended under this section shall not 3435
file such a motion. 3436

Upon the filing of a motion under division (G) (2) of this 3437
section, the sentencing court, in its discretion, may terminate 3438
the suspension. 3439

(H) Notwithstanding any contrary provision of section 3440
3719.21 of the Revised Code, the clerk of court shall pay a fine 3441

imposed for a violation of this section pursuant to division (A) 3442
of section 2929.18 of the Revised Code in accordance with and 3443
subject to the requirements of division (F) of section 2925.03 3444
of the Revised Code. The agency that receives the fine shall use 3445
the fine as specified in division (F) of section 2925.03 of the 3446
Revised Code. 3447

Sec. 2925.31. (A) Except for lawful research, clinical, 3448
medical, dental, or veterinary purposes, no person, with purpose 3449
to induce intoxication or similar physiological effects, shall 3450
obtain, possess, or use a harmful intoxicant. 3451

(B) Whoever violates this section is guilty of abusing 3452
harmful intoxicants, a misdemeanor of the first degree. If the 3453
offender previously has been convicted of a drug abuse offense, 3454
abusing harmful intoxicants is a felony of the fifth degree. 3455

(C) (1) ~~In addition to any other sanction imposed upon an~~ 3456
~~offender for a violation of this section, the court may suspend~~ 3457
~~for not more than five years the offender's driver's or~~ 3458
~~commercial driver's license or permit. However, if the offender~~ 3459
~~pleaded guilty to or was convicted of a violation of section~~ 3460
~~4511.19 of the Revised Code or a substantially similar municipal~~ 3461
~~ordinance or the law of another state or the United States~~ 3462
~~arising out of the same set of circumstances as the violation,~~ 3463
~~the court shall suspend the offender's driver's or commercial~~ 3464
~~driver's license or permit for not more than five years. If~~ 3465

the offender is a professionally licensed person, in 3466
addition to any other sanction imposed for a violation of this 3467
section, the court immediately shall comply with section 2925.38 3468
of the Revised Code. 3469

If the offender has a driver's or commercial driver's 3470

license or permit, section 2929.33 of the Revised Code applies. 3471

(2) Any offender who received a mandatory suspension of 3472
the offender's driver's or commercial driver's license or permit 3473
under this section prior to ~~the effective date of this amendment~~ 3474
September 13, 2016, may file a motion with the sentencing court 3475
requesting the termination of the suspension. However, an 3476
offender who pleaded guilty to or was convicted of a violation 3477
of section 4511.19 of the Revised Code or a substantially 3478
similar municipal ordinance or law of another state or the 3479
United States that arose out of the same set of circumstances as 3480
the violation for which the offender's license or permit was 3481
suspended under this section shall not file such a motion. 3482

Upon the filing of a motion under division (C) (2) of this 3483
section, the sentencing court, in its discretion, may terminate 3484
the suspension. 3485

Sec. 2925.32. (A) Divisions (A) (1) and (2) of this section 3486
do not apply to the dispensing or distributing of nitrous oxide. 3487

(1) No person shall knowingly dispense or distribute a 3488
harmful intoxicant to a person age eighteen or older if the 3489
person who dispenses or distributes it knows or has reason to 3490
believe that the harmful intoxicant will be used in violation of 3491
section 2925.31 of the Revised Code. 3492

(2) No person shall knowingly dispense or distribute a 3493
harmful intoxicant to a person under age eighteen if the person 3494
who dispenses or distributes it knows or has reason to believe 3495
that the harmful intoxicant will be used in violation of section 3496
2925.31 of the Revised Code. Division (A) (2) of this section 3497
does not prohibit either of the following: 3498

(a) Dispensing or distributing a harmful intoxicant to a 3499

person under age eighteen if a written order from the juvenile's parent or guardian is provided to the dispenser or distributor;

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

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

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

(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 3529
requirements established under division (G) of this section. 3530

(C) This section does not apply to products used in 3531
making, fabricating, assembling, transporting, or constructing a 3532
product or structure by manual labor or machinery for sale or 3533
lease to another person, or to the mining, refining, or 3534
processing of natural deposits. 3535

(D) (1) (a) Whoever violates division (A) (1) or (2) or 3536
division (B) (1), (2), or (3) of this section is guilty of 3537
trafficking in harmful intoxicants, a felony of the fifth 3538
degree. If the offender previously has been convicted of a drug 3539
abuse offense, trafficking in harmful intoxicants is a felony of 3540
the fourth degree. ~~In addition to any other sanction imposed~~ 3541
~~upon an offender for trafficking in harmful intoxicants, the~~ 3542
~~court may suspend for not more than five years the offender's~~ 3543
~~driver's or commercial driver's license or permit. However, if~~ 3544
~~the offender pleaded guilty to or was convicted of a violation~~ 3545
~~of section 4511.19 of the Revised Code or a substantially~~ 3546
~~similar municipal ordinance or the law of another state or the~~ 3547
~~United States arising out of the same set of circumstances as~~ 3548
~~the violation, the court shall suspend the offender's driver's~~ 3549
~~or commercial driver's license or permit for not more than five~~ 3550
~~years. If~~ 3551

If the offender is a professionally licensed person, in 3552
addition to any other sanction imposed for trafficking in 3553
harmful intoxicants, the court immediately shall comply with 3554
section 2925.38 of the Revised Code. 3555

If the offender has a driver's or commercial driver's 3556
license or permit, section 2929.33 of the Revised Code applies. 3557

(b) Any offender who received a mandatory suspension of 3558
the offender's driver's or commercial driver's license or permit 3559
under this section prior to ~~the effective date of this amendment~~ 3560
September 13, 2016, may file a motion with the sentencing court 3561
requesting the termination of the suspension. However, an 3562
offender who pleaded guilty to or was convicted of a violation 3563
of section 4511.19 of the Revised Code or a substantially 3564
similar municipal ordinance or law of another state or the 3565
United States that arose out of the same set of circumstances as 3566
the violation for which the offender's license or permit was 3567
suspended under this section shall not file such a motion. 3568

Upon the filing of a motion under division (D) (1) (b) of 3569
this section, the sentencing court, in its discretion, may 3570
terminate the suspension. 3571

(2) Whoever violates division (B) (4) (a) or (b) of this 3572
section is guilty of improperly dispensing or distributing 3573
nitrous oxide, a misdemeanor of the fourth degree. 3574

(E) It is an affirmative defense to a charge of a 3575
violation of division (A) (2) or (B) (2) of this section that: 3576

(1) An individual exhibited to the defendant or an officer 3577
or employee of the defendant, for purposes of establishing the 3578
individual's age, a driver's license or permit issued by this 3579
state, a commercial driver's license or permit issued by this 3580
state, an identification card issued pursuant to section 4507.50 3581
of the Revised Code, for another document that purports to be a 3582
license, permit, or identification card described in this 3583
division; 3584

(2) The document exhibited appeared to be a genuine, 3585
unaltered document, to pertain to the individual, and to 3586

establish the individual's age; 3587

(3) The defendant or the officer or employee of the 3588
defendant otherwise did not have reasonable cause to believe 3589
that the individual was under the age represented. 3590

(F) Beginning July 1, 2001, a person who dispenses or 3591
distributes nitrous oxide shall record each transaction 3592
involving the dispensing or distributing of the nitrous oxide on 3593
a separate card. The person shall require the purchaser to sign 3594
the card and provide a complete residence address. The person 3595
dispensing or distributing the nitrous oxide shall sign and date 3596
the card. The person shall retain the card recording a 3597
transaction for one year from the date of the transaction. The 3598
person shall maintain the cards at the person's business address 3599
and make them available during normal business hours for 3600
inspection and copying by officers or employees of the state 3601
board of pharmacy or of other law enforcement agencies of this 3602
state or the United States that are authorized to investigate 3603
violations of Chapter 2925., 3719., or 4729. of the Revised Code 3604
or the federal drug abuse control laws. 3605

The cards used to record each transaction shall inform the 3606
purchaser of the following: 3607

(1) That nitrous oxide cartridges are to be used only for 3608
purposes of preparing food; 3609

(2) That inhalation of nitrous oxide can have dangerous 3610
health effects; 3611

(3) That it is a violation of state law to distribute or 3612
dispense cartridges of nitrous oxide to any person under age 3613
twenty-one, punishable as a felony of the fifth degree. 3614

(G) (1) Each cartridge of nitrous oxide dispensed or 3615

distributed in this state shall bear the following printed 3616
warning: 3617

"Nitrous oxide cartridges are to be used only for purposes 3618
of preparing food. Nitrous oxide cartridges may not be sold to 3619
persons under age twenty-one. Do not inhale contents. Misuse can 3620
be dangerous to your health." 3621

(2) Each time a person dispenses or distributes one or 3622
more cartridges of nitrous oxide, the person shall mark the 3623
packaging containing the cartridges with a label or other device 3624
that identifies the person who dispensed or distributed the 3625
nitrous oxide and the person's business address. 3626

Sec. 2925.36. (A) No person shall knowingly furnish 3627
another a sample drug. 3628

(B) Division (A) of this section does not apply to 3629
manufacturers, wholesalers, pharmacists, owners of pharmacies, 3630
licensed health professionals authorized to prescribe drugs, and 3631
other persons whose conduct is in accordance with Chapters 3632
3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of 3633
the Revised Code. 3634

(C) (1) Whoever violates this section is guilty of illegal 3635
dispensing of drug samples. 3636

(2) If the drug involved in the offense is a compound, 3637
mixture, preparation, or substance included in schedule I or II, 3638
with the exception of marihuana, the penalty for the offense 3639
shall be determined as follows: 3640

(a) Except as otherwise provided in division (C) (2) (b) of 3641
this section, illegal dispensing of drug samples is a felony of 3642
the fifth degree, and, subject to division (E) of this section, 3643
division (C) of section 2929.13 of the Revised Code applies in 3644

determining whether to impose a prison term on the offender. 3645

(b) If the offense was committed in the vicinity of a 3646
school or in the vicinity of a juvenile, illegal dispensing of 3647
drug samples is a felony of the fourth degree, and, subject to 3648
division (E) of this section, division (C) of section 2929.13 of 3649
the Revised Code applies in determining whether to impose a 3650
prison term on the offender. 3651

(3) If the drug involved in the offense is a dangerous 3652
drug or a compound, mixture, preparation, or substance included 3653
in schedule III, IV, or V, or is marihuana, the penalty for the 3654
offense shall be determined as follows: 3655

(a) Except as otherwise provided in division (C) (3) (b) of 3656
this section, illegal dispensing of drug samples is a 3657
misdemeanor of the second degree. 3658

(b) If the offense was committed in the vicinity of a 3659
school or in the vicinity of a juvenile, illegal dispensing of 3660
drug samples is a misdemeanor of the first degree. 3661

~~(D) (1) In addition to any prison term authorized or 3662
required by division (C) or (E) of this section and sections 3663
2929.13 and 2929.14 of the Revised Code and in addition to any 3664
other sanction imposed for the offense under this section or 3665
sections 2929.11 to 2929.18 of the Revised Code, the court that 3666
sentences an offender who is convicted of or pleads guilty to a 3667
violation of division (A) of this section may suspend for not 3668
more than five years the offender's driver's or commercial 3669
driver's license or permit. However, if the offender pleaded 3670
guilty to or was convicted of a violation of section 4511.19 of 3671
the Revised Code or a substantially similar municipal ordinance 3672
or the law of another state or the United States arising out of 3673~~

~~the same set of circumstances as the violation, the court shall~~ 3674
~~suspend the offender's driver's or commercial driver's license~~ 3675
~~or permit for not more than five years.~~ 3676

If the offender is a professionally licensed person, in 3677
addition to any other sanction imposed for a violation of this 3678
section, the court immediately shall comply with section 2925.38 3679
of the Revised Code. 3680

If the offender has a driver's or commercial driver's 3681
license or permit, section 2929.33 of the Revised Code applies. 3682

(2) Any offender who received a mandatory suspension of 3683
the offender's driver's or commercial driver's license or permit 3684
under this section prior to September 13, 2016, may file a 3685
motion with the sentencing court requesting the termination of 3686
the suspension. However, an offender who pleaded guilty to or 3687
was convicted of a violation of section 4511.19 of the Revised 3688
Code or a substantially similar municipal ordinance or law of 3689
another state or the United States that arose out of the same 3690
set of circumstances as the violation for which the offender's 3691
license or permit was suspended under this section shall not 3692
file such a motion. 3693

Upon the filing of a motion under division (D) (2) of this 3694
section, the sentencing court, in its discretion, may terminate 3695
the suspension. 3696

(E) Notwithstanding the prison term authorized or required 3697
by division (C) of this section and sections 2929.13 and 2929.14 3698
of the Revised Code, if the violation of division (A) of this 3699
section involves the sale, offer to sell, or possession of a 3700
schedule I or II controlled substance, with the exception of 3701
marihuana, and if the court imposing sentence upon the offender 3702

finds that the offender as a result of the violation is a major 3703
drug offender and is guilty of a specification of the type 3704
described in division (A) of section 2941.1410 of the Revised 3705
Code, the court, in lieu of the prison term otherwise authorized 3706
or required, shall impose upon the offender the mandatory prison 3707
term specified in division (B) (3) (a) of section 2929.14 of the 3708
Revised Code. 3709

(F) Notwithstanding any contrary provision of section 3710
3719.21 of the Revised Code, the clerk of the court shall pay a 3711
fine imposed for a violation of this section pursuant to 3712
division (A) of section 2929.18 of the Revised Code in 3713
accordance with and subject to the requirements of division (F) 3714
of section 2925.03 of the Revised Code. The agency that receives 3715
the fine shall use the fine as specified in division (F) of 3716
section 2925.03 of the Revised Code. 3717

Sec. 2925.37. (A) No person shall knowingly possess any 3718
counterfeit controlled substance. 3719

(B) No person shall knowingly make, sell, offer to sell, 3720
or deliver any substance that the person knows is a counterfeit 3721
controlled substance. 3722

(C) No person shall make, possess, sell, offer to sell, or 3723
deliver any punch, die, plate, stone, or other device knowing or 3724
having reason to know that it will be used to print or reproduce 3725
a trademark, trade name, or other identifying mark upon a 3726
counterfeit controlled substance. 3727

(D) No person shall sell, offer to sell, give, or deliver 3728
any counterfeit controlled substance to a juvenile. 3729

(E) No person shall directly or indirectly represent a 3730
counterfeit controlled substance as a controlled substance by 3731

describing its effects as the physical or psychological effects 3732
associated with use of a controlled substance. 3733

(F) No person shall directly or indirectly falsely 3734
represent or advertise a counterfeit controlled substance as a 3735
controlled substance. As used in this division, "advertise" 3736
means engaging in "advertisement," as defined in section 3715.01 3737
of the Revised Code. 3738

(G) Whoever violates division (A) of this section is 3739
guilty of possession of counterfeit controlled substances, a 3740
misdemeanor of the first degree. 3741

(H) Whoever violates division (B) or (C) of this section 3742
is guilty of trafficking in counterfeit controlled substances. 3743
Except as otherwise provided in this division, trafficking in 3744
counterfeit controlled substances is a felony of the fifth 3745
degree, and division (C) of section 2929.13 of the Revised Code 3746
applies in determining whether to impose a prison term on the 3747
offender. If the offense was committed in the vicinity of a 3748
school or in the vicinity of a juvenile, trafficking in 3749
counterfeit controlled substances is a felony of the fourth 3750
degree, and division (C) of section 2929.13 of the Revised Code 3751
applies in determining whether to impose a prison term on the 3752
offender. 3753

(I) Whoever violates division (D) of this section is 3754
guilty of aggravated trafficking in counterfeit controlled 3755
substances. Except as otherwise provided in this division, 3756
aggravated trafficking in counterfeit controlled substances is a 3757
felony of the fourth degree, and division (C) of section 2929.13 3758
of the Revised Code applies in determining whether to impose a 3759
prison term on the offender. 3760

(J) Whoever violates division (E) of this section is 3761
guilty of promoting and encouraging drug abuse. Except as 3762
otherwise provided in this division, promoting and encouraging 3763
drug abuse is a felony of the fifth degree, and division (C) of 3764
section 2929.13 of the Revised Code applies in determining 3765
whether to impose a prison term on the offender. If the offense 3766
was committed in the vicinity of a school or in the vicinity of 3767
a juvenile, promoting and encouraging drug abuse is a felony of 3768
the fourth degree, and division (C) of section 2929.13 of the 3769
Revised Code applies in determining whether to impose a prison 3770
term on the offender. 3771

(K) Whoever violates division (F) of this section is 3772
guilty of fraudulent drug advertising. Except as otherwise 3773
provided in this division, fraudulent drug advertising is a 3774
felony of the fifth degree, and division (C) of section 2929.13 3775
of the Revised Code applies in determining whether to impose a 3776
prison term on the offender. If the offense was committed in the 3777
vicinity of a school or in the vicinity of a juvenile, 3778
fraudulent drug advertising is a felony of the fourth degree, 3779
and division (C) of section 2929.13 of the Revised Code applies 3780
in determining whether to impose a prison term on the offender. 3781

~~(L) (1) In addition to any prison term authorized or 3782
required by divisions (H) to (K) of this section and sections 3783
2929.13 and 2929.14 of the Revised Code and in addition to any 3784
other sanction imposed for the offense under this section or 3785
sections 2929.11 to 2929.18 of the Revised Code, the court that 3786
sentences an offender who is convicted of or pleads guilty to a 3787
violation of division (B), (C), (D), (E), or (F) of this section 3788
may suspend for not more than five years the offender's driver's 3789
or commercial driver's license or permit. However, if the 3790
offender pleaded guilty to or was convicted of a violation of 3791~~

~~section 4511.19 of the Revised Code or a substantially similar
municipal ordinance or the law of another state or the United
States arising out of the same set of circumstances as the
violation, the court shall suspend the offender's driver's or
commercial driver's license or permit for not more than five
years.~~

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

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

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

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

(M) Notwithstanding any contrary provision of section
3719.21 of the Revised Code, the clerk of the court shall pay a
fine imposed for a violation of this section pursuant to

division (A) of section 2929.18 of the Revised Code in 3821
accordance with and subject to the requirements of division (F) 3822
of section 2925.03 of the Revised Code. The agency that receives 3823
the fine shall use the fine as specified in division (F) of 3824
section 2925.03 of the Revised Code. 3825

Sec. 2929.33. (A) As used in this section, "drug abuse 3826
offense" means a violation of section 2925.02, 2925.03, 2925.04, 3827
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 3828
2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the 3829
Revised Code. 3830

(B) (1) Except as provided in division (B) (2) of this 3831
section, a court that sentences an offender who is convicted of 3832
or pleads guilty to a drug abuse offense and who used a vehicle 3833
to further the commission of the offense may suspend the 3834
driver's or commercial driver's license or permit of the 3835
offender in accordance with division (C) of this section. 3836

(2) If an offender pleaded guilty to or was convicted of a 3837
violation of section 4511.19 of the Revised Code or a 3838
substantially similar municipal ordinance or the law of another 3839
state or the United States arising out of the same set of 3840
circumstances as the drug abuse offense, the court shall suspend 3841
the offender's driver's or commercial driver's license or permit 3842
in accordance with division (C) of this section. 3843

(C) (1) If the sentencing court suspends the offender's 3844
driver's or commercial driver's license or permit under division 3845
(B) of this section, the court shall suspend the license, by 3846
order, for not more than five years. 3847

(2) If an offender's driver's or commercial driver's 3848
license or permit is suspended pursuant to this section, the 3849

offender, at any time after the expiration of two years from the 3850
day on which the offender's sentence was imposed or from the day 3851
on which the offender finally was released from a jail or prison 3852
term under the sentence, whichever is later, may file a motion 3853
with the sentencing court requesting termination of the 3854
suspension. Upon the filing of such a motion and the court's 3855
finding of good cause for the termination, the court may 3856
terminate the suspension. 3857

Sec. 2935.26. (A) Notwithstanding any other provision of 3858
the Revised Code, when a law enforcement officer is otherwise 3859
authorized to arrest a person for the commission of a minor 3860
misdemeanor, the officer shall not arrest the person, but shall 3861
issue a citation, unless one of the following applies: 3862

(1) The offender requires medical care or is unable to 3863
provide for ~~his~~ the offender's own safety. 3864

(2) The offender cannot or will not offer satisfactory 3865
evidence of ~~his~~ the offender's identity. 3866

(3) The offender refuses to sign the citation. 3867

(4) The offender has previously been issued a citation for 3868
the commission of that misdemeanor and has failed to do one of 3869
the following: 3870

(a) Appear at the time and place stated in the citation; 3871

(b) Comply with division (C) of this section. 3872

(B) The citation shall contain all of the following: 3873

(1) The name and address of the offender; 3874

(2) A description of the offense and the numerical 3875
designation of the applicable statute or ordinance; 3876

(3) The name of the person issuing the citation;	3877
(4) An order for the offender to appear at a stated time and place;	3878 3879
(5) A notice that the offender may comply with division (C) of this section in lieu of appearing at the stated time and place;	3880 3881 3882
(6) A notice that the offender is required to do one of the following and that he <u>the offender</u> may be arrested if he <u>the</u> <u>offender</u> fails to do one of them:	3883 3884 3885
(a) Appear at the time and place stated in the citation;	3886
(b) Comply with division (C) of this section.	3887
(C) In lieu of appearing at the time and place stated in the citation, the offender may, within seven days after the date of issuance of the citation, do either of the following:	3888 3889 3890
(1) Appear in person at the office of the clerk of the court stated in the citation, sign a plea of guilty and a waiver of trial provision that is on the citation, and <u>either</u> pay the total amount of the fine and costs <u>or enter into an installment</u> <u>payment plan with the clerk of the court;</u>	3891 3892 3893 3894 3895
(2) Sign the guilty plea and waiver of trial provision of the citation, and mail the citation and a check or money order for the total amount of the fine and costs to the office of the clerk of the court stated in the citation.	3896 3897 3898 3899
Remittance by mail of the fine and costs to the office of the clerk of the court stated in the citation constitutes a guilty plea and waiver of trial whether or not the guilty plea and waiver of trial provision of the citation are signed by the defendant.	3900 3901 3902 3903 3904

(D) A law enforcement officer who issues a citation shall 3905
complete and sign the citation form, serve a copy of the 3906
completed form upon the offender and, without unnecessary delay, 3907
file the original citation with the court having jurisdiction 3908
over the offense. 3909

(E) Each court shall establish a fine schedule that shall 3910
list the fine for each minor misdemeanor, and state the court 3911
costs. The fine schedule shall be prominently posted in the 3912
place where minor misdemeanor fines are paid. 3913

(F) If an offender fails to appear and does not comply 3914
with division (C) of this section, the court ~~may~~shall issue a 3915
supplemental citation, ~~or~~. If an offender still fails to appear 3916
and does not comply with division (C) of this section within the 3917
thirty days after issuance of the supplemental citation, the 3918
court may issue a summons or warrant for the arrest of the 3919
offender pursuant to the Criminal Rules. Supplemental citations 3920
shall be in the form prescribed by division (B) of this section, 3921
but shall be issued and signed by the clerk of the court at 3922
which the citation directed the offender to appear and ~~shall~~may 3923
be sent to the offender through electronic means or may be 3924
served in the same manner as a summons. 3925

(G) A summons or warrant for the arrest of an offender who 3926
failed to comply with division (C) of this section shall be 3927
cancelled by the court if the offender enters into an 3928
installment payment plan with the clerk of the court that issued 3929
the summons or warrant for the payment of the fine and costs. 3930

Sec. 2935.27. (A) (1) If a law enforcement officer issues a 3931
citation to a person pursuant to section 2935.26 of the Revised 3932
Code and if the minor misdemeanor offense for which the citation 3933
is issued is an act prohibited by Chapter 4511., 4513., or 4549. 3934

of the Revised Code or an act prohibited by any municipal 3935
ordinance that is substantially similar to any section contained 3936
in Chapter 4511., 4513., or 4549. of the Revised Code, the 3937
officer shall inform the person, if the person has a current 3938
valid Ohio driver's or commercial driver's license, of the 3939
possible consequences of the person's actions as required under 3940
division (E) of this section, and also shall inform the person 3941
that the person is required either to appear at the time and 3942
place stated in the citation or to comply with division (C) of 3943
section 2935.26 of the Revised Code. 3944

~~(2) If the person is an Ohio resident but does not have a 3945
current valid Ohio driver's or commercial driver's license or if 3946
the person is a resident of a state that is not a member of the 3947
nonresident violator compact of which this state is a member 3948
pursuant to section 4510.71 of the Revised Code, and if the 3949
court, by local rule, has prescribed a procedure for the setting 3950
of a reasonable security pursuant to division (F) of this 3951
section, security shall be set in accordance with that local 3952
rule and that division. 3953~~

A court by local rule may prescribe a procedure for the 3954
setting of reasonable security as described in this division. ~~As~~ 3955
A court setting security under this division shall do so in 3956
conformity with sections 2937.22 and 2937.23 of the Revised Code 3957
and the Rules of Criminal Procedure. 3958

As an alternative to this procedure, a court by local rule 3959
may prescribe a procedure for the setting of a reasonable 3960
security by the person without the person appearing before the 3961
court. 3962

(B) A person who has security set under division (A) (2) of 3963
this section shall be given a receipt or other evidence of the 3964

deposit of the security by the court. 3965

(C) Upon compliance with division (C) of section 2935.26 3966
of the Revised Code by a person who was issued a citation, the 3967
clerk of the court shall notify the court. The court shall 3968
immediately return any sum of money,~~license,~~ or other security 3969
deposited in relation to the citation to the person, or to any 3970
other person who deposited the security. 3971

(D) If a person who has a current valid Ohio driver's or 3972
commercial driver's license and who was issued a citation fails 3973
to appear at the time and place specified on the citation, fails 3974
to comply with division (C) of section 2935.26 of the Revised 3975
Code, or fails to comply with or satisfy any judgment of the 3976
court within the time allowed by the court, the court shall 3977
declare the forfeiture of the person's license. Thirty days 3978
after the declaration of forfeiture, the court shall enter 3979
information relative to the forfeiture on a form approved and 3980
furnished by the registrar of motor vehicles, and forward the 3981
form to the registrar. The registrar shall suspend the person's 3982
driver's or commercial driver's license, send written 3983
notification of the suspension to the person at the person's 3984
last known address, and order the person to surrender the 3985
person's driver's or commercial driver's license to the 3986
registrar within forty-eight hours. No valid driver's or 3987
commercial driver's license shall be granted to the person until 3988
the court having jurisdiction of the offense that led to the 3989
forfeiture orders that the forfeiture be terminated. The court 3990
shall so order if the person, after having failed to appear in 3991
court at the required time and place to answer the charge or 3992
after having pleaded guilty to or been found guilty of the 3993
violation and having failed within the time allowed by the court 3994
to pay the fine imposed by the court, thereafter appears to 3995

answer the charge and pays any fine imposed by the court or pays 3996
the fine originally imposed by the court. The court shall inform 3997
the registrar of the termination of the forfeiture by entering 3998
information relative to the termination on a form approved and 3999
furnished by the registrar and sending the form to the registrar 4000
as provided in this division. The person shall pay to the bureau 4001
of motor vehicles a fifteen-dollar reinstatement fee to cover 4002
the costs of the bureau in administering this section. The 4003
registrar shall deposit the fees so paid into the public safety 4004
- highway purposes fund created by section 4501.06 of the 4005
Revised Code. 4006

In addition, upon receipt of the copy of the declaration 4007
of forfeiture from the court, neither the registrar nor any 4008
deputy registrar shall accept any application for the 4009
registration or transfer of registration of any motor vehicle 4010
owned or leased by the person named in the declaration of 4011
forfeiture until the court having jurisdiction of the offense 4012
that led to the forfeiture orders that the forfeiture be 4013
terminated. However, for a motor vehicle leased by a person 4014
named in a declaration of forfeiture, the registrar shall not 4015
implement the preceding sentence until the registrar adopts 4016
procedures for that implementation under section 4503.39 of the 4017
Revised Code. Upon receipt by the registrar of an order 4018
terminating the forfeiture, the registrar shall take such 4019
measures as may be necessary to permit the person to register a 4020
motor vehicle owned or leased by the person or to transfer the 4021
registration of such a motor vehicle, if the person later makes 4022
application to take such action and the person otherwise is 4023
eligible to register the motor vehicle or to transfer the 4024
registration of it. 4025

The registrar is not required to give effect to any 4026

declaration of forfeiture or order terminating a forfeiture 4027
unless the order is transmitted to the registrar by means of an 4028
electronic transfer system. The registrar shall not restore the 4029
person's driving or vehicle registration privileges until the 4030
person pays the reinstatement fee as provided in this division. 4031

If the person who was issued the citation fails to appear 4032
at the time and place specified on the citation and fails to 4033
comply with division (C) of section 2935.26 of the Revised Code 4034
and the person has deposited a sum of money or other security in 4035
relation to the citation under division (A) (2) of this section, 4036
the deposit immediately shall be forfeited to the court. 4037

This section does not preclude further action as 4038
authorized by division (F) of section 2935.26 of the Revised 4039
Code. 4040

(E) A law enforcement officer who issues a person a minor 4041
misdemeanor citation for an act prohibited by Chapter 4511., 4042
4513., or 4549. of the Revised Code or an act prohibited by a 4043
municipal ordinance that is substantially similar to any section 4044
contained in Chapter 4511., 4513., or 4549. of the Revised Code 4045
shall inform the person that if the person does not appear at 4046
the time and place stated on the citation or does not comply 4047
with division (C) of section 2935.26 of the Revised Code, the 4048
person's driver's or commercial driver's license will be 4049
suspended, the person will not be eligible for the reissuance of 4050
the license or the issuance of a new license or the issuance of 4051
a certificate of registration for a motor vehicle owned or 4052
leased by the person, until the person appears and complies with 4053
all orders of the court. The person also is subject to any 4054
applicable criminal penalties. 4055

~~(F) A court setting security under division (A) (2) of this~~ 4056

~~section shall do so in conformity with sections 2937.22 and~~ 4057
~~2937.23 of the Revised Code and the Rules of Criminal Procedure.~~ 4058

Sec. 2937.40. (A) Bail of any type that is deposited under 4059
section 2937.011 or sections 2937.22 to 2937.45 of the Revised 4060
Code by a person other than the accused shall be discharged and 4061
released, and sureties on recognizances shall be released, in 4062
any of the following ways: 4063

(1) When a surety on a recognizance or the depositor of 4064
cash or securities as bail for an accused desires to surrender 4065
the accused before the appearance date, the surety is discharged 4066
from further responsibility or the deposit is redeemed in either 4067
of the following ways: 4068

(a) By delivery of the accused into open court; 4069

(b) When, on the written request of the surety or 4070
depositor, the clerk of the court to which recognizance is 4071
returnable or in which deposit is made issues to the sheriff a 4072
warrant for the arrest of the accused and the sheriff indicates 4073
on the return that the sheriff holds the accused in the 4074
sheriff's jail. 4075

(2) By appearance of the accused in accordance with the 4076
terms of the recognizance or deposit and the entry of judgment 4077
by the court or magistrate; 4078

(3) By payment into court, after default, of the sum fixed 4079
in the recognizance or the sum fixed in the order of forfeiture, 4080
if it is less. 4081

(B) When cash or securities have been deposited as bail by 4082
a person other than the accused and the bail is discharged and 4083
released pursuant to division (A) of this section, or when 4084
property has been pledged by a surety on recognizance and the 4085

surety on recognizance has been released pursuant to division 4086
(A) of this section, the court shall not deduct any amount from 4087
the cash or securities or declare forfeited and levy or execute 4088
against pledged property. The court shall not apply any of the 4089
deposited cash or securities toward, or declare forfeited and 4090
levy or execute against property pledged for a recognizance for, 4091
the satisfaction of any penalty or fine, and court costs, 4092
assessed against the accused upon the accused's conviction or 4093
guilty plea, except upon express approval of the person who 4094
deposited the cash or securities or the surety. 4095

(C) Bail of any type that is deposited under section 4096
2937.011 or sections 2937.22 to 2937.45 of the Revised Code by 4097
an accused shall be discharged and released to the accused, and 4098
property pledged by an accused for a recognizance shall be 4099
discharged, upon the appearance of the accused in accordance 4100
with the terms of the recognizance or deposit and the entry of 4101
judgment by the court or magistrate, except that, if the 4102
defendant is not indigent, the court may apply deposited bail 4103
toward the satisfaction of a penalty or fine, and court costs, 4104
assessed against the accused upon the accused's conviction or 4105
guilty plea, and may declare forfeited and levy or execute 4106
against pledged property for the satisfaction of a penalty or 4107
fine, and court costs, assessed against the accused upon the 4108
accused's conviction or guilty plea. 4109

~~(D) Notwithstanding any other provision of this section, 4110
an Ohio driver's or commercial driver's license that is 4111
deposited as bond may be forfeited and otherwise handled as 4112
provided in section 2937.221 of the Revised Code. 4113~~

Sec. 3123.54. If a child support enforcement agency, 4114
pursuant to section 3123.53 of the Revised Code, determines that 4115

an individual holds a license, endorsement, or permit or has 4116
applied for, or is likely to apply for, a license, endorsement, 4117
or permit, it shall send the notice described in section 3123.55 4118
of the Revised Code to the individual. ~~The~~ Not earlier than 4119
thirty days after the agency sends the notice to the individual, 4120
the agency also may send a notice to the registrar of motor 4121
vehicles that gives the name and social security number or other 4122
identifying number of the individual and states that a court or 4123
agency has determined that the individual is in default under a 4124
child support order or has failed to comply with a warrant or 4125
subpoena issued by a court or agency with respect to a 4126
proceeding to enforce a child support order. 4127

An individual who receives a notice under this section may 4128
cooperate with the agency to satisfy one or more of the 4129
conditions described in divisions (A) to (E) of section 3123.56 4130
of the Revised Code to prevent notice being sent to the 4131
registrar and the resulting driver's license suspension. 4132

Sec. 3123.56. A child support enforcement agency that sent 4133
a notice under section 3123.54 of the Revised Code of an 4134
individual's default under a child support order shall send to 4135
the registrar of motor vehicles a notice that the individual is 4136
not in default if it determines that the individual is not in 4137
default or any of the following occurs: 4138

(A) The individual makes full payment to the office of 4139
child support or, pursuant to sections 3125.27 to 3125.30 of the 4140
Revised Code, to the child support enforcement agency of the 4141
arrearage as of the date the payment is made. 4142

(B) If division (A) of this section is not possible, the 4143
individual has presented to the agency sufficient evidence of 4144
current employment or of an account in a financial institution, 4145

the agency has confirmed the individual's employment or the 4146
existence of the account, and an appropriate withholding or 4147
deduction notice described in section 3121.03 of the Revised 4148
Code has been issued to collect current support and any 4149
arrearage due under the child support order that was in default. 4150

(C) If divisions (A) and (B) of this section are not 4151
possible, the individual presents evidence to the agency 4152
sufficient to establish ~~that the~~ either one of the following: 4153

(1) The individual is unable to work due to circumstances 4154
beyond the individual's control. 4155

(2) The imposition of a suspension on the individual's 4156
driver's license or commercial driver's license, motorcycle 4157
operator's license or endorsement, or temporary instruction 4158
permit or commercial driver's temporary instruction permit would 4159
effectively prevent the individual from paying child support or 4160
any arrearage due under the child support order that was in 4161
default. 4162

(D) If divisions (A), (B), and (C) of this section are not 4163
possible, the individual enters into and complies with a written 4164
agreement with the agency that requires the obligor to comply 4165
with either of the following: 4166

(1) A family support program administered or approved by 4167
the agency; 4168

(2) A program to establish compliance with a seek work 4169
order issued pursuant to section ~~3123.03~~ 3121.03 of the Revised 4170
Code. 4171

(E) If divisions (A), (B), (C), and (D) of this section 4172
are not possible, the individual pays the balance of the total 4173
monthly obligation due for the ninety-day period preceding the 4174

date the agency sent the notice described in section 3123.55 of 4175
the Revised Code. 4176

The agency shall send the notice under this section not 4177
later than seven days after it determines the individual is not 4178
in default or that any of the circumstances specified in this 4179
section has occurred. 4180

Sec. 3123.58. (A) On receipt of a notice pursuant to 4181
section 3123.54 of the Revised Code, the registrar of motor 4182
vehicles shall determine whether the individual named in the 4183
notice holds or has applied for a driver's license or commercial 4184
driver's license, motorcycle operator's license or endorsement, 4185
or temporary instruction permit or commercial driver's temporary 4186
instruction permit. If the registrar determines that the 4187
individual holds or has applied for a license, permit, or 4188
endorsement and the individual is the individual named in the 4189
notice and does not receive a notice pursuant to section 3123.56 4190
or 3123.57 of the Revised Code, the registrar immediately shall 4191
provide notice of the determination to each deputy registrar. 4192
The registrar or a deputy registrar may not issue to the 4193
individual a driver's or commercial driver's license, motorcycle 4194
operator's license or endorsement, or temporary instruction 4195
permit or commercial driver's temporary instruction permit and 4196
may not renew for the individual a driver's or commercial 4197
driver's license, motorcycle operator's license or endorsement, 4198
or commercial driver's temporary instruction permit. The 4199
registrar or a deputy registrar also shall impose a class F 4200
suspension of the license, permit, or endorsement held by the 4201
individual under division (B) (6) of section 4510.02 of the 4202
Revised Code. 4203

(B) (1) A court with jurisdiction over the child support 4204

order may grant an individual whose license, permit, or 4205
endorsement is suspended under this section limited driving 4206
privileges in accordance with division (B) of section 4510.021 4207
of the Revised Code pursuant to a ~~request made during an action~~ 4208
~~for contempt initiated under section 2705.031 of the Revised~~ 4209
~~Code~~ motion by that individual for limited driving privileges, 4210
unless that individual's driver's license is suspended for an 4211
offense that prevents the granting of limited driving 4212
privileges. Prior to granting privileges under this division, 4213
the court shall request the ~~accused individual~~ to provide the 4214
court with a ~~recent~~ current noncertified copy of a driver's 4215
abstract from the registrar of motor vehicles ~~and~~. The court 4216
shall request the child support enforcement agency that issued 4217
the notice pursuant to section 3123.54 of the Revised Code 4218
relative to the individual to advise the court, either in person 4219
through a representative testifying at a hearing or through a 4220
written document, the position of the agency relative to the 4221
issue of the granting of privileges to the individual. The 4222
court, in determining whether to grant the individual privileges 4223
under this division, shall take into consideration the position 4224
of the agency, but the court is not bound by the position of the 4225
agency. 4226

(2) A court that grants limited driving privileges to a 4227
person under division (B)(1) of this section shall include in 4228
the order any conditions the person shall comply with in order 4229
to retain the privileges and deliver to the person a permit card 4230
or other written document, in a form to be prescribed by the 4231
court, setting forth the date on which the limited privileges 4232
will become effective, the purposes for which the person may 4233
drive, the times and places at which the person may drive, and 4234
any other conditions imposed upon the person's use of a motor 4235

vehicle. 4236

(3) The court immediately shall notify the registrar, in 4237
writing, of a grant of limited driving privileges under division 4238
(B)(1) of this section. The notification shall specify the date 4239
on which the limited driving privileges will become effective, 4240
the purposes for which the person may drive, and any other 4241
conditions imposed upon the person's use of a motor vehicle. 4242

(C) If a person who has been granted limited driving 4243
privileges under division (B)(1) of this section is convicted 4244
of, pleads guilty to, or is adjudicated in juvenile court of 4245
having committed a violation of Chapter 4510. of the Revised 4246
Code or any similar municipal ordinance during the period of 4247
which the person was granted limited driving privileges, the 4248
person's limited driving privileges shall be suspended 4249
immediately pending a reinstatement hearing. 4250

Sec. 3321.13. (A) Whenever any child of compulsory school 4251
age withdraws from school the teacher of that child shall 4252
ascertain the reason for withdrawal. The fact of the withdrawal 4253
and the reason for it shall be immediately transmitted by the 4254
teacher to the superintendent of the city, local, or exempted 4255
village school district. If the child who has withdrawn from 4256
school has done so because of change of residence, the next 4257
residence shall be ascertained and shall be included in the 4258
notice thus transmitted. The superintendent shall thereupon 4259
forward a card showing the essential facts regarding the child 4260
and stating the place of the child's new residence to the 4261
superintendent of schools of the district to which the child has 4262
moved. 4263

The department of education and workforce may prescribe 4264
the forms to be used in the operation of this division. 4265

(B) (1) Upon receipt of information that a child of 4266
compulsory school age has withdrawn from school for a reason 4267
other than because of change of residence or for the purpose of 4268
home education pursuant to section 3321.042 of the Revised Code 4269
and is not enrolled in and attending in accordance with school 4270
policy an approved program to obtain a diploma or its 4271
equivalent, the superintendent shall notify ~~the registrar of~~ 4272
~~motor vehicles and~~ the juvenile judge of the county in which the 4273
district is located of the withdrawal and failure to enroll in 4274
and attend an approved program to obtain a diploma or its 4275
equivalent. A notification to ~~the registrar required by this~~ 4276
~~division shall be given in the manner the registrar by rule~~ 4277
~~requires and a notification to~~ the juvenile judge required by 4278
this division shall be given in writing. Each notification shall 4279
be given within two weeks after the withdrawal and failure to 4280
enroll in and attend an approved program or its equivalent. 4281

(2) The board of education of a school district may adopt 4282
a resolution providing that the provisions of division (B) (2) of 4283
this section apply within the district. The provisions of 4284
division (B) (2) of this section do not apply within any school 4285
district, and no superintendent of a school district shall send 4286
a notification of the type described in division (B) (2) of this 4287
section to ~~the registrar of motor vehicles or~~ the juvenile judge 4288
of the county in which the district is located, unless the board 4289
of education of the district has adopted such a resolution. If 4290
the board of education of a school district adopts a resolution 4291
providing that the provisions of division (B) (2) of this section 4292
apply within the district, and if the superintendent of schools 4293
of that district receives information that, during any semester 4294
or term, a child of compulsory school age has been absent 4295
without legitimate excuse from the school the child is supposed 4296

to attend for more than sixty consecutive hours in a single 4297
month or for at least ninety hours in a school year, the 4298
superintendent shall notify the child and the child's parent, 4299
guardian, or custodian, in writing, that the information has 4300
been provided to the superintendent, that as a result of that 4301
information ~~the child's temporary instruction permit or driver's~~ 4302
~~license will be suspended or the opportunity to obtain such a~~ 4303
~~permit or license will be denied, and that~~ the child and the 4304
child's parent, guardian, or custodian may participate in a 4305
hearing at a scheduled date, time, and place conducted by the 4306
superintendent or a designee to challenge the information 4307
provided to the superintendent. The hearing may be conducted by 4308
electronic means if requested by the child's parent, guardian, 4309
or custodian. 4310

The notification to the child and the child's parent, 4311
guardian, or custodian required by division (B) (2) of this 4312
section shall set forth the information received by the 4313
superintendent and shall inform the child and the child's 4314
parent, guardian, or custodian of the scheduled date, time, and 4315
participation method of the hearing before the superintendent or 4316
a designee. The date scheduled for the hearing shall be no 4317
earlier than three and no later than five days after the 4318
notification is given, provided that an extension may be granted 4319
upon request of the child or the child's parent, guardian, or 4320
custodian. If an extension is granted, the superintendent shall 4321
schedule a new date, time, and method for the hearing and shall 4322
inform the child and the child's parent, guardian, or custodian 4323
of the new date, time, and method. 4324

If the child and the child's parent, guardian, or 4325
custodian do not appear before the superintendent or a designee 4326
on the scheduled date and for the scheduled hearing, or if the 4327

child and the child's parent, guardian, or custodian appear 4328
before the superintendent or a designee on the scheduled date 4329
and at the scheduled time but the superintendent or a designee 4330
determines that the information the superintendent received 4331
indicating that, during the semester or term, the child had been 4332
absent without legitimate excuse from the school the child was 4333
supposed to attend for more than sixty consecutive hours or for 4334
at least ninety total hours, the superintendent shall notify ~~the~~ 4335
~~registrar of motor vehicles and the~~ juvenile judge of the county 4336
in which the district is located that the child has been absent 4337
for that period of time and that the child does not have any 4338
legitimate excuse for the habitual absence. A notification to 4339
~~the registrar required by this division shall be given in the~~ 4340
~~manner the registrar by rule requires and a notification to the~~ 4341
juvenile judge required by this division shall be given in 4342
writing. Each notification shall be given within two weeks after 4343
the receipt of the information of the habitual absence from 4344
school without legitimate excuse, or, if the child and the 4345
child's parent, guardian, or custodian appear before the 4346
superintendent or a designee to challenge the information, 4347
within two weeks after the hearing. 4348

For purposes of division (B) (2) of this section, a 4349
legitimate excuse for absence from school includes, but is not 4350
limited to, the fact that the child in question has enrolled in 4351
another school or school district in this or another state, the 4352
fact that the child in question was excused from attendance for 4353
any of the reasons specified in section 3321.04 or exempt under 4354
section 3321.042 of the Revised Code, or the fact that the child 4355
in question has received an age and schooling certificate in 4356
accordance with section 3331.01 of the Revised Code. 4357

(3) Whenever a pupil is suspended or expelled from school 4358

pursuant to section 3313.66 of the Revised Code and the reason 4359
for the suspension or expulsion is the use or possession of 4360
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 4361
superintendent of schools of that district may notify ~~the~~ 4362
~~registrar and~~ the juvenile judge of the county in which the 4363
district is located of such suspension or expulsion. Any such 4364
notification of suspension or expulsion shall be given to ~~the~~ 4365
~~registrar, in the manner the registrar by rule requires and~~ 4366
~~shall be given to~~ the juvenile judge in writing. The 4367
notifications shall be given within two weeks after the 4368
suspension or expulsion. 4369

(4) Whenever a pupil is suspended, expelled, removed, or 4370
permanently excluded from a school for misconduct included in a 4371
policy that the board of education of a city, exempted village, 4372
or local school district has adopted under division (A) of 4373
section 3313.661 of the Revised Code, and the misconduct 4374
involves a firearm or a knife or other weapon as defined in that 4375
policy, the superintendent of schools of that district shall 4376
notify ~~the registrar and~~ the juvenile judge of the county in 4377
which the district is located of the suspension, expulsion, 4378
removal, or permanent exclusion. The notification shall be given 4379
to ~~the registrar in the manner the registrar, by rule, requires~~ 4380
~~and shall be given to~~ the juvenile judge in writing. The 4381
notifications shall be given within two weeks after the 4382
suspension, expulsion, removal, or permanent exclusion. 4383

(C) A notification of withdrawal, habitual absence without 4384
legitimate excuse, suspension, or expulsion given to ~~the~~ 4385
~~registrar or~~ a juvenile judge under division (B) (1), (2), (3), 4386
or (4) of this section shall contain the name, address, date of 4387
birth, school, and school district of the child. If the 4388
superintendent finds, after giving a notification of withdrawal, 4389

habitual absence without legitimate excuse, suspension, or 4390
expulsion to ~~the registrar and~~ the juvenile judge under division 4391
(B) (1), (2), (3), or (4) of this section, that the notification 4392
was given in error, the superintendent immediately shall notify 4393
~~the registrar and~~ the juvenile judge of that fact. 4394

Sec. 3321.191. (A) Effective beginning with the 2017-2018 4395
school year, the board of education of each city, exempted 4396
village, local, joint vocational, and cooperative education 4397
school district and the governing board of each educational 4398
service center shall adopt a new or amended policy to guide 4399
employees of the school district or service center in addressing 4400
and ameliorating student absences. In developing the policy, the 4401
appropriate board shall consult with the judge of the juvenile 4402
court of the county or counties in which the district or service 4403
center is located, with the parents, guardians, or other persons 4404
having care of the pupils attending school in the district, and 4405
with appropriate state and local agencies. 4406

(B) The policy developed under division (A) of this 4407
section shall include as an intervention strategy all of the 4408
following actions, if applicable: 4409

(1) Providing a truancy intervention plan for any student 4410
who is excessively absent from school, as described in the first 4411
paragraph of division (C) of this section; 4412

(2) Providing counseling for an habitual truant; 4413

(3) Requesting or requiring a parent, guardian, or other 4414
person having care of an habitual truant to attend parental 4415
involvement programs, including programs adopted under section 4416
3313.472 or 3313.663 of the Revised Code; 4417

(4) Requesting or requiring a parent, guardian, or other 4418

person having care of an habitual truant to attend truancy 4419
prevention mediation programs; 4420

~~(5) Notification of the registrar of motor vehicles under 4421
section 3321.13 of the Revised Code; 4422~~

~~(6) Taking legal action under section 2919.222, 3321.20, 4423
or 3321.38 of the Revised Code. 4424~~

(C) (1) In the event that a child of compulsory school age 4425
is absent with a nonmedical excuse or without legitimate excuse 4426
from the public school the child is supposed to attend for 4427
thirty-eight or more hours in one school month, or sixty-five or 4428
more hours in a school year, the attendance officer of that 4429
school shall notify the child's parent, guardian, or custodian 4430
of the child's absences, in writing, within seven days after the 4431
date after the absence that triggered the notice requirement. At 4432
the time notice is given, the school also may take any 4433
appropriate action as an intervention strategy contained in the 4434
policy developed by the board pursuant to division (A) of this 4435
section. 4436

(2) (a) If the absences of a student surpass the threshold 4437
for an habitual truant as set forth in section 2151.011 of the 4438
Revised Code, the principal or chief administrator of the school 4439
or the superintendent of the school district shall assign the 4440
student to an absence intervention team. Within fourteen school 4441
days after the assignment of a student to an absence 4442
intervention team, the team shall develop an intervention plan 4443
for that student in an effort to reduce or eliminate further 4444
absences. Each intervention plan shall vary based on the 4445
individual needs of the student, but the plan shall state that 4446
the attendance officer shall file a complaint not later than 4447
sixty-one days after the date the plan was implemented, if the 4448

child has refused to participate in, or failed to make 4449
satisfactory progress on, the intervention plan or an 4450
alternative to adjudication under division (C)(2)(b) of section 4451
3321.191 of the Revised Code. Within seven days after the 4452
development of the plan, the school district or school shall 4453
make reasonable efforts to provide the student's parent, 4454
guardian, custodian, guardian ad litem, or temporary custodian 4455
with written notice of the plan. 4456

(b) As part of the absence intervention plan described in 4457
division (C)(2) of this section, the school district or school, 4458
in its discretion, may contact the appropriate juvenile court 4459
and ask to have a student informally enrolled in any alternative 4460
to adjudication described in division (G) of section 2151.27 of 4461
the Revised Code. If the school district or school chooses to 4462
have students informally enrolled in an alternative to 4463
adjudication, the school district or school shall develop a 4464
written policy regarding the use of, and selection process for, 4465
offering alternatives to adjudication to ensure fairness. 4466

(c) The superintendent of each school district, or the 4467
superintendent's designee, shall establish an absence 4468
intervention team for the district to be used by any schools of 4469
the district that do not establish their own absence 4470
intervention team as permitted under division (C)(2)(d) of this 4471
section. Membership of each absence intervention team may vary 4472
based on the needs of each individual student but shall include 4473
a representative from the child's school district or school, 4474
another representative from the child's school district or 4475
school who knows the child, and the child's parent or parent's 4476
designee, or the child's guardian, custodian, guardian ad litem, 4477
or temporary custodian. The team also may include a school 4478
psychologist, counselor, social worker, or representative of a 4479

public or nonprofit agency designed to assist students and their 4480
families in reducing absences. 4481

(d) The principal or chief administrator of each school 4482
may establish an absence intervention team or series of teams to 4483
be used in lieu of the district team established pursuant to 4484
division (C) (2) (c) of this section. Membership of each absence 4485
intervention team may vary based on the needs of each individual 4486
student but shall include a representative from the child's 4487
school district or school, another representative from the 4488
child's school district or school who knows the child, and the 4489
child's parent or parent's designee, or the child's guardian, 4490
custodian, guardian ad litem, or temporary custodian. The team 4491
also may include a school psychologist, counselor, social 4492
worker, or representative of a public or nonprofit agency 4493
designed to assist students and their families in reducing 4494
absences. 4495

(e) A superintendent, as described in division (C) (2) (c) 4496
of this section, or principal or chief administrator, as 4497
described in division (C) (2) (d) of this section, shall select 4498
the members of an absence intervention team within seven school 4499
days of the triggering event described in division (C) (2) (a) of 4500
this section. The superintendent, principal, or chief 4501
administrator, within the same period of seven school days, 4502
shall make at least three meaningful, good faith attempts to 4503
secure the participation of the student's parent, guardian, 4504
custodian, guardian ad litem, or temporary custodian on that 4505
team. If the student's parent responds to any of those attempts, 4506
but is unable to participate for any reason, the representative 4507
of the school district shall inform the parent of the parent's 4508
right to appear by designee. If seven school days elapse and the 4509
student's parent, guardian, custodian, guardian ad litem, or 4510

temporary custodian fails to respond to the attempts to secure 4511
participation, the school district or school shall do both of 4512
the following: 4513

(i) Investigate whether the failure to respond triggers 4514
mandatory reporting to the public children services agency for 4515
the county in which the child resides in the manner described in 4516
section 2151.421 of the Revised Code; 4517

(ii) Instruct the absence intervention team to develop an 4518
intervention plan for the child notwithstanding the absence of 4519
the child's parent, guardian, custodian, guardian ad litem, or 4520
temporary custodian. 4521

(f) In the event that a student becomes habitually truant 4522
within twenty-one school days prior to the last day of 4523
instruction of a school year, the school district or school may, 4524
in its discretion, assign one school official to work with the 4525
child's parent, guardian, custodian, guardian ad litem, or 4526
temporary custodian to develop an absence intervention plan 4527
during the summer. If the school district or school selects this 4528
method, the plan shall be implemented not later than seven days 4529
prior to the first day of instruction of the next school year. 4530
In the alternative, the school district or school may toll the 4531
time periods to accommodate for the summer months and reconvene 4532
the absence intervention process upon the first day of 4533
instruction of the next school year. 4534

(3) For purposes of divisions (C) (2) (c) and (d) of this 4535
section, the department of education and workforce shall develop 4536
a format for parental permission to ensure compliance with the 4537
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 4538
571, 20 U.S.C. 1232g, as amended, and any regulations 4539
promulgated under that act, and section 3319.321 of the Revised 4540

Code. 4541

(D) Each school district or school may consult or partner 4542
with public and nonprofit agencies to provide assistance as 4543
appropriate to students and their families in reducing absences. 4544

(E) Beginning with the 2017-2018 school year, each school 4545
district shall report to the department, as soon as practicable, 4546
and in a format and manner determined by the department, any of 4547
the following occurrences: 4548

(1) When a notice required by division (C)(1) of this 4549
section is submitted to a parent, guardian, or custodian; 4550

(2) When a child of compulsory school age has been absent 4551
without legitimate excuse from the public school the child is 4552
supposed to attend for thirty or more consecutive hours, forty- 4553
two or more hours in one school month, or seventy-two or more 4554
hours in a school year; 4555

(3) When a child of compulsory school age who has been 4556
adjudicated an unruly child for being an habitual truant 4557
violates the court order regarding that adjudication; 4558

(4) When an absence intervention plan has been implemented 4559
for a child under this section. 4560

(F) Nothing in this section shall be construed to limit 4561
the duty or authority of a district board of education or 4562
governing body of an educational service center to develop other 4563
policies related to truancy or to limit the duty or authority of 4564
any employee of the school district or service center to respond 4565
to pupil truancy. However, a board shall be subject to the 4566
prohibition against suspending, expelling, or otherwise 4567
preventing a student from attending school for excessive 4568
absences as prescribed by section 3313.668 of the Revised Code. 4569

Sec. 4501.06. The taxes, fees, and fines levied, charged, 4570
or referred to in Chapters 4501., 4503., 4504., 4505., 4506., 4571
4507., 4509., 4510., 4511., 4517., 4519., and 4521., division 4572
(A) of section 4508.06, and sections 2935.27, ~~2937.221~~, 3123.59, 4573
4508.05, 4513.53, 4738.06, 4738.13, and 5502.12 of the Revised 4574
Code, unless otherwise designated by law, shall be deposited in 4575
the state treasury to the credit of the public safety - highway 4576
purposes fund, which is hereby created. Money credited to the 4577
fund shall be used for the purpose of enforcing and paying the 4578
expenses of administering the laws relative to the registration 4579
and operation of motor vehicles on the public roads or highways 4580
and to the powers and duties of the registrar of motor vehicles. 4581
Amounts credited to the fund may also be used to pay the 4582
expenses of administering and enforcing the laws under which 4583
such fees were collected. All investment earnings of the public 4584
safety - highway purposes fund shall be credited to the fund. 4585

Sec. 4503.038. (A) ~~Not later than ninety days after July~~ 4586
~~3, 2019, the~~ The registrar of motor vehicles shall adopt rules 4587
in accordance with Chapter 119. of the Revised Code establishing 4588
a service fee that applies for purposes of sections 4503.03, 4589
4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 4503.182, 4590
4503.24, 4503.261, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 4591
4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, 4592
and 4519.69 of the Revised Code. The service fee shall be five 4593
dollars. 4594

(B) ~~Not later than ninety days after July 3, 2019, the~~ The 4595
registrar shall adopt rules in accordance with Chapter 119. of 4596
the Revised Code establishing prorated service fees that apply 4597
for purposes of multi-year registrations authorized under 4598
section 4503.103 of the Revised Code. 4599

Sec. 4503.10. (A) The owner of every snowmobile, off- 4600
highway motorcycle, and all-purpose vehicle required to be 4601
registered under section 4519.02 of the Revised Code shall file 4602
an application for registration under section 4519.03 of the 4603
Revised Code. The owner of a motor vehicle, other than a 4604
snowmobile, off-highway motorcycle, or all-purpose vehicle, that 4605
is not designed and constructed by the manufacturer for 4606
operation on a street or highway may not register it under this 4607
chapter except upon certification of inspection pursuant to 4608
section 4513.02 of the Revised Code by the sheriff, or the chief 4609
of police of the municipal corporation or township, with 4610
jurisdiction over the political subdivision in which the owner 4611
of the motor vehicle resides. Except as provided in sections 4612
4503.103 and 4503.107 of the Revised Code, every owner of every 4613
other motor vehicle not previously described in this section and 4614
every person mentioned as owner in the last certificate of title 4615
of a motor vehicle that is operated or driven upon the public 4616
roads or highways shall cause to be filed each year, by mail or 4617
otherwise, in the office of the registrar of motor vehicles or a 4618
deputy registrar, a written or electronic application or a 4619
preprinted registration renewal notice issued under section 4620
4503.102 of the Revised Code, the form of which shall be 4621
prescribed by the registrar, for registration for the following 4622
registration year, which shall begin on the first day of January 4623
of every calendar year and end on the thirty-first day of 4624
December in the same year. Applications for registration and 4625
registration renewal notices shall be filed at the times 4626
established by the registrar pursuant to section 4503.101 of the 4627
Revised Code. A motor vehicle owner also may elect to apply for 4628
or renew a motor vehicle registration by electronic means using 4629
electronic signature in accordance with rules adopted by the 4630
registrar. Except as provided in division (J) of this section, 4631

applications for registration shall be made on blanks furnished 4632
by the registrar for that purpose, containing the following 4633
information: 4634

(1) A brief description of the motor vehicle to be 4635
registered, including the year, make, model, and vehicle 4636
identification number, and, in the case of commercial cars, the 4637
gross weight of the vehicle fully equipped computed in the 4638
manner prescribed in section 4503.08 of the Revised Code; 4639

(2) The name and residence address of the owner, and the 4640
township and municipal corporation in which the owner resides; 4641

(3) The district of registration, which shall be 4642
determined as follows: 4643

(a) In case the motor vehicle to be registered is used for 4644
hire or principally in connection with any established business 4645
or branch business, conducted at a particular place, the 4646
district of registration is the municipal corporation in which 4647
that place is located or, if not located in any municipal 4648
corporation, the county and township in which that place is 4649
located. 4650

(b) In case the vehicle is not so used, the district of 4651
registration is the municipal corporation or county in which the 4652
owner resides at the time of making the application. 4653

(4) Whether the motor vehicle is a new or used motor 4654
vehicle; 4655

(5) The date of purchase of the motor vehicle; 4656

(6) Whether the fees required to be paid for the 4657
registration or transfer of the motor vehicle, during the 4658
preceding registration year and during the preceding period of 4659

the current registration year, have been paid. Each application 4660
for registration shall be signed by the owner, either manually 4661
or by electronic signature, or pursuant to obtaining a limited 4662
power of attorney authorized by the registrar for registration, 4663
or other document authorizing such signature. If the owner 4664
elects to apply for or renew the motor vehicle registration with 4665
the registrar by electronic means, the owner's manual signature 4666
is not required. 4667

(7) The owner's social security number, driver's license 4668
number, or state identification number, or, where a motor 4669
vehicle to be registered is used for hire or principally in 4670
connection with any established business, the owner's federal 4671
taxpayer identification number. The bureau of motor vehicles 4672
shall retain in its records all social security numbers provided 4673
under this section, but the bureau shall not place social 4674
security numbers on motor vehicle certificates of registration. 4675

(8) Whether the applicant wishes to certify willingness to 4676
make an anatomical gift if an applicant has not so certified 4677
under section 2108.05 of the Revised Code. The applicant's 4678
response shall not be considered in the decision of whether to 4679
approve the application for registration. 4680

(B) (1) When an applicant first registers a motor vehicle 4681
in the applicant's name, the applicant shall provide proof of 4682
ownership of that motor vehicle. Proof of ownership may include 4683
any of the following: 4684

(a) The applicant may present for inspection a physical 4685
certificate of title or memorandum certificate showing title to 4686
the motor vehicle to be registered in the name of the applicant. 4687

(b) The applicant may present for inspection an electronic 4688

certificate of title for the applicant's motor vehicle in a 4689
manner prescribed by rules adopted by the registrar. 4690

(c) The registrar or deputy registrar may electronically 4691
confirm the applicant's ownership of the motor vehicle. 4692

An applicant is not required to present a certificate of 4693
title to an electronic motor vehicle dealer acting as a limited 4694
authority deputy registrar in accordance with rules adopted by 4695
the registrar. 4696

(2) When a motor vehicle inspection and maintenance 4697
program is in effect under section 3704.14 of the Revised Code 4698
and rules adopted under it, each application for registration 4699
for a vehicle required to be inspected under that section and 4700
those rules shall be accompanied by an inspection certificate 4701
for the motor vehicle issued in accordance with that section. 4702

(3) An application for registration shall be refused if 4703
any of the following applies: 4704

(a) The application is not in proper form. 4705

(b) The application is prohibited from being accepted by 4706
division (D) of section 2935.27, ~~division (A) of section~~ 4707
~~2937.221,~~ division (A) of section 4503.13, division (B) of 4708
section 4510.22, division (D) of section 4503.234, division (B) 4709
(1) of section 4521.10, or division (B) of section 5537.041 of 4710
the Revised Code. 4711

(c) Proof of ownership is required but is not presented or 4712
confirmed in accordance with division (B) (1) of this section. 4713

(d) All registration and transfer fees for the motor 4714
vehicle, for the preceding year or the preceding period of the 4715
current registration year, have not been paid. 4716

(e) The owner or lessee does not have an inspection 4717
certificate for the motor vehicle as provided in section 3704.14 4718
of the Revised Code, and rules adopted under it, if that section 4719
is applicable. 4720

(4) This section does not require the payment of license 4721
or registration taxes on a motor vehicle for any preceding year, 4722
or for any preceding period of a year, if the motor vehicle was 4723
not taxable for that preceding year or period under sections 4724
4503.02, 4503.04, 4503.11, 4503.12, and 4503.16 or Chapter 4504. 4725
of the Revised Code. 4726

(5) When a certificate of registration is issued upon the 4727
first registration of a motor vehicle by or on behalf of the 4728
owner, the official issuing the certificate shall indicate the 4729
issuance with a stamp on the certificate of title or memorandum 4730
certificate or, in the case of an electronic certificate of 4731
title or electronic verification of ownership, an electronic 4732
stamp or other notation as specified in rules adopted by the 4733
registrar, and with a stamp on the inspection certificate for 4734
the motor vehicle, if any. 4735

(6) The official also shall indicate, by a stamp or by 4736
other means the registrar prescribes, on the registration 4737
certificate issued upon the first registration of a motor 4738
vehicle by or on behalf of the owner the odometer reading of the 4739
motor vehicle as shown in the odometer statement included in or 4740
attached to the certificate of title. Upon each subsequent 4741
registration of the motor vehicle by or on behalf of the same 4742
owner, the official also shall so indicate the odometer reading 4743
of the motor vehicle as shown on the immediately preceding 4744
certificate of registration. 4745

(7) The registrar shall include in the permanent 4746

registration record of any vehicle required to be inspected 4747
under section 3704.14 of the Revised Code the inspection 4748
certificate number from the inspection certificate that is 4749
presented at the time of registration of the vehicle as required 4750
under this division. 4751

(C) (1) Except as otherwise provided in division (C) (1) of 4752
this section, the registrar and each deputy registrar shall 4753
collect an additional fee of eleven dollars for each application 4754
for registration and registration renewal received. For vehicles 4755
specified in divisions (A) (1) to (21) of section 4503.042 of the 4756
Revised Code, the registrar and deputy registrar shall collect 4757
an additional fee of thirty dollars for each application for 4758
registration and registration renewal received. No additional 4759
fee shall be charged for vehicles registered under section 4760
4503.65 of the Revised Code. The additional fee is for the 4761
purpose of defraying the department of public safety's costs 4762
associated with the administration and enforcement of the motor 4763
vehicle and traffic laws of Ohio. Each deputy registrar shall 4764
transmit the fees collected under divisions (C) (1) and (3) of 4765
this section in the time and manner provided in this section. 4766
The registrar shall deposit all moneys received under division 4767
(C) (1) of this section into the public safety - highway purposes 4768
fund established in section 4501.06 of the Revised Code. 4769

(2) In addition, a charge of twenty-five cents shall be 4770
made for each reflectorized safety license plate issued, and a 4771
single charge of twenty-five cents shall be made for each county 4772
identification sticker or each set of county identification 4773
stickers issued, as the case may be, to cover the cost of 4774
producing the license plates and stickers, including material, 4775
manufacturing, and administrative costs. Those fees shall be in 4776
addition to the license tax. If the total cost of producing the 4777

plates is less than twenty-five cents per plate, or if the total 4778
cost of producing the stickers is less than twenty-five cents 4779
per sticker or per set issued, any excess moneys accruing from 4780
the fees shall be distributed in the same manner as provided by 4781
section 4501.04 of the Revised Code for the distribution of 4782
license tax moneys. If the total cost of producing the plates 4783
exceeds twenty-five cents per plate, or if the total cost of 4784
producing the stickers exceeds twenty-five cents per sticker or 4785
per set issued, the difference shall be paid from the license 4786
tax moneys collected pursuant to section 4503.02 of the Revised 4787
Code. 4788

(3) The registrar and each deputy registrar shall collect 4789
the following additional fee, as applicable, for each 4790
application for registration or registration renewal received 4791
for any hybrid motor vehicle, plug-in hybrid electric motor 4792
vehicle, or battery electric motor vehicle: 4793

(a) One hundred dollars for a hybrid motor vehicle; 4794

(b) One hundred fifty dollars for a plug-in hybrid 4795
electric motor vehicle; 4796

(c) Two hundred dollars for a battery electric motor 4797
vehicle. 4798

Each fee imposed under this division shall be prorated 4799
based on the number of months for which the vehicle is 4800
registered. The registrar shall transmit all money arising from 4801
each fee to the treasurer of state for distribution in 4802
accordance with division (E) of section 5735.051 of the Revised 4803
Code, subject to division (D) of section 5735.05 of the Revised 4804
Code. 4805

(D) Each deputy registrar shall be allowed a fee equal to 4806

the amount established under section 4503.038 of the Revised 4807
Code for each application for registration and registration 4808
renewal notice the deputy registrar receives, which shall be for 4809
the purpose of compensating the deputy registrar for the deputy 4810
registrar's services, and such office and rental expenses, as 4811
may be necessary for the proper discharge of the deputy 4812
registrar's duties in the receiving of applications and renewal 4813
notices and the issuing of registrations. 4814

(E) Upon the certification of the registrar, the county 4815
sheriff or local police officials shall recover license plates 4816
erroneously or fraudulently issued. 4817

(F) Each deputy registrar, upon receipt of any application 4818
for registration or registration renewal notice, together with 4819
the license fee and any local motor vehicle license tax levied 4820
pursuant to Chapter 4504. of the Revised Code, shall transmit 4821
that fee and tax, if any, in the manner provided in this 4822
section, together with the original and duplicate copy of the 4823
application, to the registrar. The registrar, subject to the 4824
approval of the director of public safety, may deposit the funds 4825
collected by those deputies in a local bank or depository to the 4826
credit of the "state of Ohio, bureau of motor vehicles." Where a 4827
local bank or depository has been designated by the registrar, 4828
each deputy registrar shall deposit all moneys collected by the 4829
deputy registrar into that bank or depository not more than one 4830
business day after their collection and shall make reports to 4831
the registrar of the amounts so deposited, together with any 4832
other information, some of which may be prescribed by the 4833
treasurer of state, as the registrar may require and as 4834
prescribed by the registrar by rule. The registrar, within three 4835
days after receipt of notification of the deposit of funds by a 4836
deputy registrar in a local bank or depository, shall draw on 4837

that account in favor of the treasurer of state. The registrar, 4838
subject to the approval of the director and the treasurer of 4839
state, may make reasonable rules necessary for the prompt 4840
transmittal of fees and for safeguarding the interests of the 4841
state and of counties, townships, municipal corporations, and 4842
transportation improvement districts levying local motor vehicle 4843
license taxes. The registrar may pay service charges usually 4844
collected by banks and depositories for such service. If deputy 4845
registrars are located in communities where banking facilities 4846
are not available, they shall transmit the fees forthwith, by 4847
money order or otherwise, as the registrar, by rule approved by 4848
the director and the treasurer of state, may prescribe. The 4849
registrar may pay the usual and customary fees for such service. 4850

(G) This section does not prevent any person from making 4851
an application for a motor vehicle license directly to the 4852
registrar by mail, by electronic means, or in person at any of 4853
the registrar's offices, upon payment of a service fee equal to 4854
the amount established under section 4503.038 of the Revised 4855
Code for each application. 4856

(H) No person shall make a false statement as to the 4857
district of registration in an application required by division 4858
(A) of this section. Violation of this division is falsification 4859
under section 2921.13 of the Revised Code and punishable as 4860
specified in that section. 4861

(I) (1) Where applicable, the requirements of division (B) 4862
of this section relating to the presentation of an inspection 4863
certificate issued under section 3704.14 of the Revised Code and 4864
rules adopted under it for a motor vehicle, the refusal of a 4865
license for failure to present an inspection certificate, and 4866
the stamping of the inspection certificate by the official 4867

issuing the certificate of registration apply to the 4868
registration of and issuance of license plates for a motor 4869
vehicle under sections 4503.102, 4503.12, 4503.14, 4503.15, 4870
4503.16, 4503.171, 4503.172, 4503.19, 4503.40, 4503.41, 4503.42, 4871
4503.43, 4503.44, 4503.46, 4503.47, and 4503.51 of the Revised 4872
Code. 4873

(2) (a) The registrar shall adopt rules ensuring that each 4874
owner registering a motor vehicle in a county where a motor 4875
vehicle inspection and maintenance program is in effect under 4876
section 3704.14 of the Revised Code and rules adopted under it 4877
receives information about the requirements established in that 4878
section and those rules and about the need in those counties to 4879
present an inspection certificate with an application for 4880
registration or preregistration. 4881

(b) Upon request, the registrar shall provide the director 4882
of environmental protection, or any person that has been awarded 4883
a contract under section 3704.14 of the Revised Code, an on-line 4884
computer data link to registration information for all passenger 4885
cars, noncommercial motor vehicles, and commercial cars that are 4886
subject to that section. The registrar also shall provide to the 4887
director of environmental protection a magnetic data tape 4888
containing registration information regarding passenger cars, 4889
noncommercial motor vehicles, and commercial cars for which a 4890
multi-year registration is in effect under section 4503.103 of 4891
the Revised Code or rules adopted under it, including, without 4892
limitation, the date of issuance of the multi-year registration, 4893
the registration deadline established under rules adopted under 4894
section 4503.101 of the Revised Code that was applicable in the 4895
year in which the multi-year registration was issued, and the 4896
registration deadline for renewal of the multi-year 4897
registration. 4898

(J) Subject to division (K) of this section, application 4899
for registration under the international registration plan, as 4900
set forth in sections 4503.60 to 4503.66 of the Revised Code, 4901
shall be made to the registrar on forms furnished by the 4902
registrar. In accordance with international registration plan 4903
guidelines and pursuant to rules adopted by the registrar, the 4904
forms shall include the following: 4905

(1) A uniform mileage schedule; 4906

(2) The gross vehicle weight of the vehicle or combined 4907
gross vehicle weight of the combination vehicle as declared by 4908
the registrant; 4909

(3) Any other information the registrar requires by rule. 4910

(K) The registrar shall determine the feasibility of 4911
implementing an electronic commercial fleet licensing and 4912
management program that will enable the owners of commercial 4913
tractors, commercial trailers, and commercial semitrailers to 4914
conduct electronic transactions by July 1, 2010, or sooner. If 4915
the registrar determines that implementing such a program is 4916
feasible, the registrar shall adopt new rules under this 4917
division or amend existing rules adopted under this division as 4918
necessary in order to respond to advances in technology. 4919

If international registration plan guidelines and 4920
provisions allow member jurisdictions to permit applications for 4921
registrations under the international registration plan to be 4922
made via the internet, the rules the registrar adopts under this 4923
division shall permit such action. 4924

Sec. 4503.102. (A) The registrar of motor vehicles shall 4925
adopt rules to establish a centralized system of motor vehicle 4926
registration renewal by mail or by electronic means. Any person 4927

owning a motor vehicle that was registered in the person's name 4928
during the preceding registration year shall renew the 4929
registration of the motor vehicle not more than ninety days 4930
prior to the expiration date of the registration either by mail 4931
or by electronic means through the centralized system of 4932
registration established under this section, or in person at any 4933
office of the registrar or at a deputy registrar's office. 4934

(B) (1) Except as provided in division (B) (2) of this 4935
section, no less than forty-five days prior to the expiration 4936
date of any motor vehicle registration, the registrar shall mail 4937
a renewal notice to the person in whose name the motor vehicle 4938
is registered. The renewal notice shall clearly state that the 4939
registration of the motor vehicle may be renewed by mail or 4940
electronic means through the centralized system of registration 4941
or in person at any office of the registrar or at a deputy 4942
registrar's office and shall be preprinted with information 4943
including, but not limited to, the owner's name and residence 4944
address as shown in the records of the bureau of motor vehicles, 4945
a brief description of the motor vehicle to be registered, 4946
notice of the license taxes and fees due on the motor vehicle, 4947
the toll-free telephone number of the registrar as required 4948
under division (D) (1) of section 4503.031 of the Revised Code, a 4949
statement that payment for a renewal may be made by financial 4950
transaction device using the toll-free telephone number, and any 4951
additional information the registrar may require by rule. The 4952
renewal notice shall not include the social security number of 4953
either the owner of the motor vehicle or the person in whose 4954
name the motor vehicle is registered. The renewal notice shall 4955
be sent by regular mail to the owner's last known address as 4956
shown in the records of the bureau of motor vehicles. 4957

(2) The registrar is not required to mail a renewal notice 4958

if either of the following applies: 4959

(a) The owner of the vehicle has consented to receiving 4960
the renewal notice by electronic means only. 4961

(b) The application for renewal of the registration of a 4962
motor vehicle is prohibited from being accepted by the registrar 4963
or a deputy registrar by division (D) of section 2935.27, 4964
~~division (A) of section 2937.221, division (A) of section~~ 4965
4503.13, division (B) of section 4510.22, ~~or division (D) of~~ 4966
section 4503.234, division (B) (1) of section 4521.10, or 4967
division (B) of section 5537.041 ~~of the Revised Code.~~ 4968

(3) If the owner of a motor vehicle has consented to 4969
receiving a renewal notice by electronic means only, the 4970
registrar shall send an electronic renewal notice to the owner 4971
that contains the information specified in division (B) (1) of 4972
this section at the time specified under that division. 4973

(C) The owner of the motor vehicle shall verify the 4974
information contained in the notice, sign it either manually or 4975
by electronic means, and return it, either by mail or electronic 4976
means, or the owner may take it in person to any office of the 4977
registrar or of a deputy registrar. The owner shall include with 4978
the notice a financial transaction device number when renewing 4979
in person or by electronic means but not by mail, check, or 4980
money order in the amount of the registration taxes and fees 4981
payable on the motor vehicle and a service fee equal to the 4982
amount established under section 4503.038 of the Revised Code, 4983
plus postage as indicated on the notice if the registration is 4984
renewed or fulfilled by mail, and an inspection certificate for 4985
the motor vehicle as provided in section 3704.14 of the Revised 4986
Code. For purposes of the centralized system of motor vehicle 4987
registration, the registrar shall accept payments via the toll- 4988

free telephone number established under division (D) (1) of 4989
section 4503.031 of the Revised Code for renewals made by mail. 4990
If the motor vehicle owner chooses to renew the motor vehicle 4991
registration by electronic means, the owner shall proceed in 4992
accordance with the rules the registrar adopts. 4993

(D) If all registration and transfer fees for the motor 4994
vehicle for the preceding year or the preceding period of the 4995
current registration year have not been paid, if division (D) of 4996
section 2935.27, ~~division (A) of section 2937.221,~~ division (A) 4997
of section 4503.13, division (B) of section 4510.22, ~~or~~ division 4998
(D) of section 4503.234, division (B) (1) of section 4521.10, or 4999
division (B) of section 5537.041 of the Revised Code prohibits 5000
acceptance of the renewal notice, or if the owner or lessee does 5001
not have an inspection certificate for the motor vehicle as 5002
provided in section 3704.14 of the Revised Code, if that section 5003
is applicable, the license shall be refused, and the registrar 5004
or deputy registrar shall so notify the owner. This section does 5005
not require the payment of license or registration taxes on a 5006
motor vehicle for any preceding year, or for any preceding 5007
period of a year, if the motor vehicle was not taxable for that 5008
preceding year or period under section 4503.02, 4503.04, 5009
4503.11, 4503.12, or 4503.16 or Chapter 4504. of the Revised 5010
Code. 5011

(E) (1) Failure to receive a renewal notice does not 5012
relieve a motor vehicle owner from the responsibility to renew 5013
the registration for the motor vehicle. Any person who has a 5014
motor vehicle registered in this state and who does not receive 5015
a renewal notice as provided in division (B) of this section 5016
prior to the expiration date of the registration shall request 5017
an application for registration from the registrar or a deputy 5018
registrar and sign the application manually or by electronic 5019

means and submit the application and pay any applicable license 5020
taxes and fees to the registrar or deputy registrar. 5021

(2) If the owner of a motor vehicle submits an application 5022
for registration and the registrar is prohibited by division (D) 5023
of section 2935.27, ~~division (A) of section 2937.221,~~ division 5024
(A) of section 4503.13, division (B) of section 4510.22, ~~or~~ 5025
division (D) of section 4503.234, division (B) (1) of section 5026
4521.10, or division (B) of section 5537.041 of the Revised Code 5027
from accepting the application, the registrar shall return the 5028
application and the payment to the owner. If the owner of a 5029
motor vehicle submits a registration renewal application to the 5030
registrar by electronic means and the registrar is prohibited 5031
from accepting the application as provided in this division, the 5032
registrar shall notify the owner of this fact and deny the 5033
application and return the payment or give a credit on the 5034
financial transaction device account of the owner in the manner 5035
the registrar prescribes by rule adopted pursuant to division 5036
(A) of this section. 5037

(F) Every deputy registrar shall post in a prominent place 5038
at the deputy's office a notice informing the public of the mail 5039
registration system required by this section and also shall post 5040
a notice that every owner of a motor vehicle and every chauffeur 5041
holding a certificate of registration is required to notify the 5042
registrar in writing of any change of residence within ten days 5043
after the change occurs. The notice shall be in such form as the 5044
registrar prescribes by rule. 5045

(G) The service fee equal to the amount established under 5046
section 4503.038 of the Revised Code that is collected from a 5047
person who renews a motor vehicle registration by electronic 5048
means or by mail, plus postage collected by the registrar and 5049

any financial transaction device surcharge collected by the 5050
registrar, shall be paid to the credit of the public safety - 5051
highway purposes fund established by section 4501.06 of the 5052
Revised Code. 5053

(H) (1) Pursuant to section 113.40 of the Revised Code, the 5054
registrar shall implement a program permitting payment of motor 5055
vehicle registration taxes and fees, driver's license and 5056
commercial driver's license fees, and any other taxes, fees, 5057
penalties, or charges imposed or levied by the state by means of 5058
a financial transaction device for transactions occurring 5059
online, at any office of the registrar, and at all deputy 5060
registrar locations. The program shall take effect not later 5061
than July 1, 2016. The registrar shall adopt rules as necessary 5062
for this purpose, but all such rules are subject to any action, 5063
policy, or procedure of the board of deposit or treasurer of 5064
state taken or adopted under section 113.40 of the Revised Code. 5065

(2) The rules adopted under division (H) (1) of this 5066
section shall require a deputy registrar to accept payments by 5067
means of a financial transaction device beginning on the 5068
effective date of the rules unless the deputy registrar contract 5069
entered into by the deputy registrar prohibits the acceptance of 5070
such payments by financial transaction device. However, 5071
commencing with deputy registrar contract awards that have a 5072
start date of July 1, 2016, and for all contract awards 5073
thereafter, the registrar shall require that the proposer accept 5074
payment by means of a financial transaction device, including 5075
credit cards and debit cards, for all department of public 5076
safety transactions conducted at that deputy registrar location. 5077

The bureau and deputy registrars are not required to pay 5078
any costs that result from accepting payment by means of a 5079

financial transaction device. A deputy registrar may charge a 5080
person who tenders payment for a department transaction by means 5081
of a financial transaction device any cost the deputy registrar 5082
incurs from accepting payment by the financial transaction 5083
device, but the deputy registrar shall not require the person to 5084
pay any additional fee of any kind in connection with the use by 5085
the person of the financial transaction device. 5086

(3) In accordance with division (H) (1) of this section and 5087
rules adopted by the registrar under that division, a county 5088
auditor or clerk of a court of common pleas that is designated a 5089
deputy registrar shall accept payment by means of a financial 5090
transaction device, including credit cards and debit cards, for 5091
all department transactions conducted at the office of the 5092
county auditor or clerk in the county auditor's or clerk's 5093
capacity as deputy registrar. The bureau is not required to pay 5094
any costs incurred by a county auditor or clerk that result from 5095
accepting payment by means of a financial transaction device for 5096
any department transaction. 5097

(I) For persons who reside in counties where tailpipe 5098
emissions inspections are required under the motor vehicle 5099
inspection and maintenance program, the notice required by 5100
division (B) of this section shall also include the toll-free 5101
telephone number maintained by the Ohio environmental protection 5102
agency to provide information concerning the locations of 5103
emissions testing centers. The registrar also shall include a 5104
statement in the notice that a battery electric motor vehicle is 5105
not required to undergo emissions inspection under the motor 5106
vehicle inspection and maintenance program established under 5107
section 3704.14 of the Revised Code. 5108

Sec. 4503.12. (A) Upon the transfer of ownership of a 5109

motor vehicle, the registration of the motor vehicle expires, 5110
and the original owner immediately shall remove the license 5111
plates from the motor vehicle, except that: 5112

(1) If a statutory merger or consolidation results in the 5113
transfer of ownership of a motor vehicle from a constituent 5114
corporation to the surviving corporation, or if the 5115
incorporation of a proprietorship or partnership results in the 5116
transfer of ownership of a motor vehicle from the proprietorship 5117
or partnership to the corporation, the registration shall be 5118
continued upon the filing by the surviving or new corporation, 5119
within thirty days of such transfer, of an application for an 5120
amended certificate of registration. Upon a proper filing, the 5121
registrar of motor vehicles shall issue an amended certificate 5122
of registration in the name of the new owner. 5123

(2) If the death of the owner of a motor vehicle results 5124
in the transfer of ownership of the motor vehicle to the 5125
surviving spouse of the owner or if a motor vehicle is owned by 5126
two persons under joint ownership with right of survivorship 5127
established under section 2131.12 of the Revised Code and one of 5128
those persons dies, the registration shall be continued upon the 5129
filing by the survivor of an application for an amended 5130
certificate of registration. In relation to a motor vehicle that 5131
is owned by two persons under joint ownership with right of 5132
survivorship established under section 2131.12 of the Revised 5133
Code, the application shall be accompanied by a copy of the 5134
certificate of title that specifies that the vehicle is owned 5135
under joint ownership with right of survivorship. Upon a proper 5136
filing, the registrar shall issue an amended certificate of 5137
registration in the name of the survivor. 5138

(3) If the death of the owner of a motor vehicle results 5139

in the transfer of ownership of the motor vehicle to a transfer- 5140
on-death beneficiary or beneficiaries designated under section 5141
2131.13 of the Revised Code, the registration shall be continued 5142
upon the filing by the transfer-on-death beneficiary or 5143
beneficiaries of an application for an amended certificate of 5144
registration. The application shall be accompanied by a copy of 5145
the certificate of title that specifies that the owner of the 5146
motor vehicle has designated the motor vehicle in beneficiary 5147
form under section 2131.13 of the Revised Code. Upon a proper 5148
filing, the registrar shall issue an amended certificate of 5149
registration in the name of the transfer-on-death beneficiary or 5150
beneficiaries. 5151

(4) If the original owner of a motor vehicle that has been 5152
transferred makes application for the registration of another 5153
motor vehicle at any time during the remainder of the 5154
registration period for which the transferred motor vehicle was 5155
registered, the owner may file an application for transfer of 5156
the registration and, where applicable, the license plates. The 5157
transfer of the registration and, where applicable, the license 5158
plates from the motor vehicle for which they originally were 5159
issued to a succeeding motor vehicle purchased by the same 5160
person in whose name the original registration and license 5161
plates were issued shall be done within a period not to exceed 5162
thirty days. During that thirty-day period, the license plates 5163
from the motor vehicle for which they originally were issued may 5164
be displayed on the succeeding motor vehicle, and the succeeding 5165
motor vehicle may be operated on the public roads and highways 5166
in this state. 5167

At the time of application for transfer, the registrar 5168
shall compute and collect the amount of tax due on the 5169
succeeding motor vehicle, based upon the amount that would be 5170

due on a new registration as of the date on which the transfer 5171
is made less a credit for the unused portion of the original 5172
registration beginning on that date. If the credit exceeds the 5173
amount of tax due on the new registration, no refund shall be 5174
made. In computing the amount of tax due and credits to be 5175
allowed under this division, the provisions of division (B) (1) 5176
(a) and (b) of section 4503.11 of the Revised Code shall apply. 5177
As to passenger cars, noncommercial vehicles, motor homes, and 5178
motorcycles, transfers within or between these classes of motor 5179
vehicles only shall be allowed. If the succeeding motor vehicle 5180
is of a different class than the motor vehicle for which the 5181
registration originally was issued, new license plates also 5182
shall be issued upon the surrender of the license plates 5183
originally issued and payment of the fees provided in divisions 5184
(C) and (D) of section 4503.10 of the Revised Code. 5185

(5) The owner of a commercial car having a gross vehicle 5186
weight or combined gross vehicle weight of more than ten 5187
thousand pounds may transfer the registration of that commercial 5188
car to another commercial car the owner owns without 5189
transferring ownership of the first commercial car. At any time 5190
during the remainder of the registration period for which the 5191
first commercial car was registered, the owner may file an 5192
application for the transfer of the registration and, where 5193
applicable, the license plates, accompanied by the certificate 5194
of registration of the first commercial car. The amount of any 5195
tax due or credit to be allowed for a transfer of registration 5196
under this division shall be computed in accordance with 5197
division (A) (4) of this section. 5198

No commercial car to which a registration is transferred 5199
under this division shall be operated on a public road or 5200
highway in this state until after the transfer of registration 5201

is completed in accordance with this division. 5202

(6) Upon application to the registrar or a deputy 5203
registrar, a person who owns or leases a motor vehicle may 5204
transfer special license plates assigned to that vehicle to any 5205
other vehicle that the person owns or leases or that is owned or 5206
leased by the person's spouse. As appropriate, the application 5207
also shall be accompanied by a power of attorney for the 5208
registration of a leased vehicle and a written statement 5209
releasing the special plates to the applicant. Upon a proper 5210
filing, the registrar or deputy registrar shall assign the 5211
special license plates to the motor vehicle owned or leased by 5212
the applicant and issue a new certificate of registration for 5213
that motor vehicle. 5214

(7) If a corporation transfers the ownership of a motor 5215
vehicle to an affiliated corporation, the affiliated corporation 5216
may apply to the registrar for the transfer of the registration 5217
and any license plates. The registrar may require the applicant 5218
to submit documentation of the corporate relationship and shall 5219
determine whether the application for registration transfer is 5220
made in good faith and not for the purposes of circumventing the 5221
provisions of this chapter. Upon a proper filing, the registrar 5222
shall issue an amended certificate of registration in the name 5223
of the new owner. 5224

(B) An application under division (A) of this section 5225
shall be accompanied by a service fee equal to the amount 5226
established under section 4503.038 of the Revised Code, a 5227
transfer fee of one dollar, and the original certificate of 5228
registration, if applicable. 5229

(C) Neither the registrar nor a deputy registrar shall 5230
transfer a registration under division (A) of this section if 5231

the registration is prohibited by division (D) of section 5232
2935.27, ~~division (A) of section 2937.221,~~ division (A) of 5233
section 4503.13, division (D) of section 4503.234, division (B) 5234
of section 4510.22, division (B) (1) of section 4521.10, or 5235
division (B) of section 5537.041 of the Revised Code. 5236

(D) Whoever violates division (A) of this section is 5237
guilty of a misdemeanor of the fourth degree. 5238

(E) As used in division (A) (6) of this section, "special 5239
license plates" means either of the following: 5240

(1) Any license plates for which the person to whom the 5241
license plates are issued must pay an additional fee in excess 5242
of the fees prescribed in section 4503.04 of the Revised Code, 5243
Chapter 4504. of the Revised Code, and the service fee 5244
prescribed in division (D) or (G) of section 4503.10 of the 5245
Revised Code; 5246

(2) License plates issued under section 4503.44 of the 5247
Revised Code. 5248

Sec. 4503.19. (A) (1) Upon the filing of an application for 5249
registration and the payment of the tax for registration, the 5250
registrar of motor vehicles or a deputy registrar shall 5251
determine whether the owner previously has been issued a license 5252
plate for the motor vehicle described in the application. If no 5253
license plate previously has been issued to the owner for that 5254
motor vehicle, the registrar or deputy registrar shall assign to 5255
the motor vehicle a distinctive number and issue and deliver to 5256
the owner in the manner that the registrar may select a 5257
certificate of registration, in the form that the registrar 5258
shall prescribe. The registrar or deputy registrar also shall 5259
charge the owner any fees required under division (C) of section 5260

4503.10 of the Revised Code and, if applicable, any fees and 5261
contribution required in accordance with section 4503.261 of the 5262
Revised Code. 5263

(2) The registrar or deputy registrar then shall deliver a 5264
license plate and, when required, a validation sticker, or a 5265
validation sticker alone, to be attached to the number plate as 5266
provided in section 4503.191 of the Revised Code. 5267

If an owner wishes to have two license plates, the 5268
registrar or deputy registrar shall deliver two license plates, 5269
duplicates of each other, and, when required, a validation 5270
sticker, or a validation sticker alone, to be attached to the 5271
number plates as provided in section 4503.191 of the Revised 5272
Code. The owner shall display the license plate and, when 5273
required, the validation sticker on the rear of the vehicle. 5274
However, a commercial tractor shall display the license plate on 5275
the front of the commercial tractor and a chauffeured limousine 5276
shall display a livery sticker along with a validation sticker 5277
as provided in section 4503.24 of the Revised Code. 5278

(3) The registrar or deputy registrar shall not issue a 5279
license plate for a school bus. A school bus shall display 5280
identifying numbers in the manner prescribed by section 4511.764 5281
of the Revised Code. 5282

(4) The certificate of registration shall be issued and 5283
delivered to the owner in person, by mail, or by electronic 5284
delivery. The license plate and, when required, validation 5285
sticker, or validation sticker alone, shall be issued and 5286
delivered to the owner in person or by mail. 5287

(5) In the event of the loss, mutilation, or destruction 5288
of any certificate of registration, or of any license plate or 5289

validation sticker, or if the owner chooses to replace a license 5290
plate previously issued for a motor vehicle, or if the 5291
registration certificate and license plate have been impounded 5292
as provided by division (B)(1) of section 4507.02 and section 5293
4507.16 of the Revised Code, the owner of a motor vehicle, or 5294
manufacturer or dealer, may obtain from the registrar, or from a 5295
deputy registrar if authorized by the registrar, a duplicate 5296
thereof or a new license plate bearing a different number, if 5297
the registrar considers it advisable, upon filing an application 5298
prescribed by the registrar, and upon paying a fee of one dollar 5299
for such certificate of registration. The registrar shall 5300
deposit the one dollar fee into the state treasury to the credit 5301
of the public safety - highway purposes fund created in section 5302
4501.06 of the Revised Code. The registrar or deputy registrar 5303
shall charge a fee of seven dollars and fifty cents for each set 5304
of two license plates or six dollars and fifty cents for each 5305
single license plate or validation sticker issued, which the 5306
registrar shall deposit into the state treasury to the credit of 5307
the public safety - highway purposes fund. 5308

(6) Each applicant for a replacement certificate of 5309
registration, license plate, or validation sticker also shall 5310
pay the fees provided in divisions (C) and (D) of section 5311
4503.10 of the Revised Code ~~and~~, any applicable fee under 5312
section 4503.192 of the Revised Code, and any applicable fee or 5313
contribution under section 4503.261 of the Revised Code. 5314

Additionally, the registrar and each deputy registrar who 5315
either issues a license plate and a validation sticker for use 5316
on any vehicle other than a commercial tractor, semitrailer, or 5317
apportioned vehicle, or who issues a validation sticker alone 5318
for use on such a vehicle and the owner has changed the owner's 5319
county of residence since the owner last was issued a county 5320

identification sticker, also shall issue and deliver to the 5321
owner a county identification sticker, which shall be attached 5322
to the license plate in a manner prescribed by the director of 5323
public safety. The county identification sticker shall identify 5324
prominently by name or number the county in which the owner of 5325
the vehicle resides at the time of registration. 5326

(B) A certificate of registration issued under this 5327
section shall have a portion that contains all the information 5328
contained in the main portion of the certificate except for the 5329
address of the person to whom the certificate is issued. Except 5330
as provided in this division, whenever a reference is made in 5331
the Revised Code to a motor vehicle certificate of registration 5332
that is issued under this section, the reference shall be deemed 5333
to refer to either the main portion of the certificate or the 5334
portion containing all information in the main portion except 5335
the address of the person to whom the certificate is issued. If 5336
a reference is made in the Revised Code to the seizure or 5337
surrender of a motor vehicle certificate of registration that is 5338
issued under this section, the reference shall be deemed to 5339
refer to both the main portion of the certificate and the 5340
portion containing all information in the main portion except 5341
the address of the person to whom the certificate is issued. 5342

(C) Whoever violates this section is guilty of a minor 5343
misdemeanor. 5344

Sec. 4503.20. (A) As used in this section: 5345

(1) "Dealer engaged in the business of leasing motor 5346
vehicles" means any person engaged in the business of regularly 5347
making available, offering to make available, or arranging for 5348
another person to use a motor vehicle pursuant to a bailment, 5349
lease, or other contractual arrangement. 5350

(2) "Motor vehicle" has the meaning set forth in section 5351
4509.01 of the Revised Code. 5352

(B) An application for the registration of a motor vehicle 5353
shall contain a statement, to be signed by the applicant either 5354
manually or by electronic signature, that does all of the 5355
following: 5356

(1) States that the applicant maintains, or has maintained 5357
on the applicant's behalf, proof of financial responsibility at 5358
the time of application, and will not operate a motor vehicle in 5359
this state, unless the applicant maintains, with respect to that 5360
motor vehicle or the operation of such vehicle, proof of 5361
financial responsibility; 5362

(2) Contains a brief summary of the purposes and operation 5363
of section 4509.101 of the Revised Code, the rights and duties 5364
of the applicant under that section, and the penalties for 5365
violation of that section; 5366

(3) Warns the applicant that the financial responsibility 5367
law does not prevent the possibility that the applicant may be 5368
involved in an accident with an owner or operator of a motor 5369
vehicle who is without proof of financial responsibility. 5370

(C) (1) A person who purchases any motor vehicle from a 5371
licensed motor vehicle dealer who agrees to make application for 5372
registration of the motor vehicle on behalf of the purchaser 5373
shall sign statements that comply with divisions (B) and (F) of 5374
this section. The dealer shall submit the statements to the 5375
deputy registrar where the dealer has agreed to make application 5376
for registration on behalf of the person. 5377

(2) In the case of a person who leases any motor vehicle 5378
from a dealer engaged in the business of leasing motor vehicles 5379

who agrees to make application for registration of the motor 5380
vehicle on behalf of the lessee, the person shall sign a 5381
statement that complies with division (B) of this section, and 5382
the dealer shall do either of the following: 5383

(a) Submit the statement signed by the person to the 5384
deputy registrar where the dealer has agreed to make application 5385
for registration on behalf of the person; 5386

(b) Sign and submit a statement to the deputy registrar 5387
that certifies that a statement has been signed and filed with 5388
the dealer or incorporated into the lease. 5389

The dealer shall submit to the registrar or deputy 5390
registrar to whom the dealer submits the application for 5391
registration a statement signed by the person that complies with 5392
division (F) of this section. 5393

(D) The registrar of motor vehicles shall prescribe the 5394
form of the statements required under divisions (B), (C), and 5395
(F) of this section, and the manner or manners in which the 5396
statements required under divisions (B) and (F) of this section 5397
shall be presented to the applicant. Any statement that is 5398
required under divisions (B), (C), and (F) of this section shall 5399
be designed to enable the applicant to retain a copy of it. 5400

(E) Nothing within this section shall be construed to 5401
excuse a violation of section 4509.101 of the Revised Code. A 5402
motor vehicle dealer who makes application for the registration 5403
of a motor vehicle on behalf of the purchaser or lessee of the 5404
motor vehicle is not liable in damages in any civil action on 5405
account of the act of making such application for registration 5406
or the content of any such application for registration. 5407

(F) In addition to the statements required by divisions 5408

(B) and (C) of this section, a person who makes application for registration of a motor vehicle shall be furnished with a form that lists in plain language all the possible penalties to which a person could be subject for a violation of the financial responsibility law, including driver's license suspensions, and all fees, including nonvoluntary compliance and reinstatement fees, ~~and vehicle immobilization or impoundment~~. The person shall read the form and either manually or by electronic signature sign the form, which shall be submitted along with the application for registration as provided in this section. The form shall be retained by the registrar or deputy registrar who issues the motor vehicle registration or the registrar's or deputy registrar's successor for a period of two years from the date of issuance of the registration.

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

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

Sec. 4503.261. (A) (1) The registrar of motor vehicles shall use a competitive selection process to select a vendor for a contract to operate a specialty license plate program.

(2) Beginning nine months after the effective date of this

section, the vendor shall design and market specialty license 5439
plates, including specialty license plates required to be issued 5440
by the registrar under this chapter. Under the program, the 5441
registrar remains responsible for the issuance of any specialty 5442
license plate and validation sticker and the collection of taxes 5443
and fees related to a specialty license plate. The contract 5444
shall be for a period not to exceed two years and may be 5445
extended for additional two-year terms. 5446

(3) A vendor selected under division (A) (1) of this 5447
section is exempt from section 4503.106 of the Revised Code. 5448

(B) Any contract entered into under this section shall 5449
include, at a minimum, all of the following: 5450

(1) A requirement that the vendor utilize electronic 5451
infrastructure that is compatible with infrastructure used by 5452
the bureau of motor vehicles; 5453

(2) Provisions concerning the security of the information 5454
exchanged through the electronic infrastructure utilized by the 5455
registrar, the vendor, and any other third parties; 5456

(3) Provisions allowing an owner or lessee to select the 5457
combination of letters and numbers appearing on a license plate 5458
in accordance with section 4503.40 or 4503.42 of the Revised 5459
Code, subject to approval by the registrar; 5460

(4) Subject to division (C) of this section, provisions 5461
allowing an owner or lessee purchasing a specialty license plate 5462
created by the vendor to select various design features of the 5463
license plate; 5464

(5) Subject to division (C) of this section, provisions 5465
allowing the vendor to enter into an agreement with any person 5466
for the marketing and sale of a specialty license plate that is 5467

not offered by the registrar under this chapter. A person or 5468
entity that has sponsored a specialty license plate offered by 5469
the registrar under this chapter may create a new specialty 5470
license plate through the private vendor. 5471

(6) Provisions specifying that the vendor shall comply 5472
with all applicable copyright and trademark laws; 5473

(7) A requirement that the registrar collect the following 5474
fees and contribution related to the issuance of license plates 5475
under the program that are in addition to any applicable motor 5476
vehicle registration taxes and fees levied under Chapters 4503. 5477
and 4504. of the Revised Code: 5478

(a) A fee to compensate the registrar for costs associated 5479
with program administration and license plate production and 5480
design. Fees collected under division (B)(7)(a) of this section 5481
shall be deposited in the public safety-highway purposes fund 5482
created in section 4501.06 of the Revised Code. 5483

(b) A fee to compensate the vendor for the performance of 5484
its duties under the contract. Fees collected under division (B) 5485
(7)(b) of this section shall be deposited in the public safety 5486
license plate contract fund created in section 4503.262 of the 5487
Revised Code. 5488

(c) A contribution for deposit in the drug law enforcement 5489
fund created in section 5502.68 of the Revised Code. 5490

(8) Provisions requiring the vendor to comply with all 5491
applicable requirements of the Revised Code and the Ohio 5492
Administrative Code. 5493

(C)(1) The registrar shall submit each specialty license 5494
plate design created under the specialty license plate program 5495
established under this section to the joint committee on agency 5496

rule review. The committee has final authority regarding the 5497
design and content of any specialty license plate created under 5498
the program and shall approve or disapprove of any proposed 5499
specialty license plate. A quorum of the committee, as specified 5500
in section 101.35 of the Revised Code, is necessary for such 5501
approval or disapproval. 5502

(2) Before the registrar submits a specialty license plate 5503
to the joint committee on agency rule review for approval, the 5504
registrar may consult with the superintendent of the state 5505
highway patrol concerning any specialty license plate regarding 5506
readability, reflectivity, and public safety. 5507

(3) The registrar shall not restrict the background color, 5508
color combinations, or color of alphanumeric license plate 5509
numbers of a specialty license plate proposed by the private 5510
vendor except for purposes of public safety. 5511

(D) (1) If a contract with a vendor is entered into under 5512
this section, the owner or lessee of any passenger car, 5513
noncommercial motor vehicle, recreational vehicle, or other 5514
vehicle of a class approved by the registrar and the vendor may 5515
apply for registration of the vehicle and issuance by the 5516
registrar of a specialty license plate pursuant to this section. 5517

(2) A specialty license plate available through the 5518
program and a validation sticker, or validation sticker alone, 5519
shall be issued by the registrar in coordination with the vendor 5520
to the owner or lessee upon receipt of a completed application 5521
under this section; payment of the regular license tax as 5522
prescribed under section 4503.04 of the Revised Code, any 5523
applicable motor vehicle tax levied under Chapter 4504. of the 5524
Revised Code, any applicable additional fee prescribed under 5525
section 4503.40 or 4503.42 of the Revised Code, any additional 5526

fees required by the vendor; and compliance with all other 5527
applicable laws relating to the registration of motor vehicles. 5528

(E) Notwithstanding any other provision of law to the 5529
contrary, the registrar may execute all duties required by this 5530
section and take all necessary actions to implement its 5531
requirements. 5532

Sec. 4503.262. The public safety license plate contract 5533
fund is created in the state treasury. The fund shall consist of 5534
fees collected by the registrar pursuant to division (B)(7)(b) 5535
of section 4503.261 of the Revised Code. The registrar shall use 5536
the money in the fund to compensate the private vendor selected 5537
under section 4503.261 of the Revised Code for the performance 5538
of its duties under the contract authorized under that section. 5539

Sec. 4503.39. With regard to a motor vehicle leased by or 5540
in the name of a person named in a suspension order or who is 5541
precluded from registering or transferring registration of a 5542
motor vehicle because of a failure to pay a fine or court costs, 5543
the registrar of motor vehicles shall adopt procedures as 5544
indicated in division (B) of section 1901.44, division (B) of 5545
section 1905.202, division (B) of section 1907.25, division (D) 5546
of section 2935.27, ~~division (A) of section 2937.221,~~ division 5547
(A) of section 2947.09, and division (B) of section 4510.22 of 5548
the Revised Code. The procedures shall prescribe the information 5549
and methodology necessary to implement those divisions. 5550

Sec. 4507.212. (A) As used in this section, "motor 5551
vehicle" has the same meaning as in section 4509.01 of the 5552
Revised Code. 5553

(B) An application for a driver's, commercial driver's, 5554
restricted, or probationary license, or renewal of such license 5555

shall contain a statement, to be signed by the applicant, that 5556
does all of the following: 5557

(1) States that the applicant maintains, or has maintained 5558
on ~~his~~ the applicant's behalf, proof of financial responsibility 5559
at the time of application, and will not operate a motor vehicle 5560
in this state, unless ~~he~~ the applicant maintains, or has 5561
maintained on ~~his~~ the applicant's behalf, proof of financial 5562
responsibility; 5563

(2) Contains a brief summary of the purposes and operation 5564
of section 4509.101 of the Revised Code, the rights and duties 5565
of the applicant under that section, and the penalties for 5566
violation of that section; 5567

(3) Warns the applicant that the financial responsibility 5568
law does not prevent the possibility that the applicant may be 5569
involved in an accident with an owner or operator of a motor 5570
vehicle who is without proof of financial responsibility. 5571

(C) The registrar of motor vehicles shall prescribe the 5572
form of the statement, and the manner in which the statement 5573
shall be presented to the applicant. The statement shall be 5574
designed to enable the applicant to retain a copy of it. 5575

(D) Nothing within this section shall be construed to 5576
excuse a violation of section 4509.101 of the Revised Code. 5577

(E) At the time a person submits an application for a 5578
driver's, commercial driver's, restricted, or probationary 5579
license, or renewal of such a license, the applicant also shall 5580
be furnished with a form that lists in plain language all the 5581
possible penalties to which the applicant could be subject for a 5582
violation of the financial responsibility law, including 5583
driver's license suspensions, and all fees, including 5584

nonvoluntary compliance and reinstatement fees, ~~and vehicle-~~ 5585
~~immobilization or impoundment.~~ The applicant shall sign the 5586
form, which shall be submitted along with the application. The 5587
form shall be retained by the registrar or deputy registrar who 5588
issues the license or renewal or ~~his~~ the registrar's or deputy 5589
registrar's successor for a period of two years from the date of 5590
issuance of the license or renewal. The registrar shall 5591
prescribe the manner in which the form shall be presented to the 5592
applicant, and the format of the form, which shall be such that 5593
the applicant can retain a copy of it. 5594

Sec. 4509.101. (A) (1) No person shall operate, or permit 5595
the operation of, a motor vehicle in this state, unless proof of 5596
financial responsibility is maintained continuously throughout 5597
the registration period with respect to that vehicle, or, in the 5598
case of a driver who is not the owner, with respect to that 5599
driver's operation of that vehicle. 5600

(2) Whoever violates division (A) (1) of this section shall 5601
be subject to the following civil penalties: 5602

(a) Subject to divisions (A) (2) (b) and (c) of this 5603
section, a class (F) suspension of the person's driver's 5604
license, commercial driver's license, temporary instruction 5605
permit, probationary license, or nonresident operating privilege 5606
for the period of time specified in division (B) (6) of section 5607
4510.02 of the Revised Code and impoundment of the person's 5608
license. The court may grant limited driving privileges to the 5609
person, but only if the person presents proof of financial 5610
responsibility and is enrolled in a reinstatement fee payment 5611
plan pursuant to section 4510.10 of the Revised Code. 5612

(b) If, within ~~five years~~ one year of the violation, the 5613
person's operating privileges are again suspended and the 5614

person's license again is impounded for a violation of division 5615
(A) (1) of this section, a class C suspension of the person's 5616
driver's license, commercial driver's license, temporary 5617
instruction permit, probationary license, or nonresident 5618
operating privilege for the period of time specified in division 5619
(B) (3) of section 4510.02 of the Revised Code. The court may 5620
grant limited driving privileges to the person only if the 5621
person presents proof of financial responsibility and has 5622
complied with division (A) (5) of this section, and no court may 5623
grant limited driving privileges for the first fifteen days of 5624
the suspension. 5625

(c) If, within ~~five years~~ one year of the violation, the 5626
person's operating privileges are suspended and the person's 5627
license is impounded two or more times for a violation of 5628
division (A) (1) of this section, a class B suspension of the 5629
person's driver's license, commercial driver's license, 5630
temporary instruction permit, probationary license, or 5631
nonresident operating privilege for the period of time specified 5632
in division (B) (2) of section 4510.02 of the Revised Code. The 5633
court may grant limited driving privileges to the person only if 5634
the person presents proof of financial responsibility and has 5635
complied with division (A) (5) of this section, except that no 5636
court may grant limited driving privileges for the first thirty 5637
days of the suspension. 5638

~~(d) In addition to the suspension of an owner's license~~ 5639
~~under division (A) (2) (a), (b), or (c) of this section, the~~ 5640
~~suspension of the rights of the owner to register the motor~~ 5641
~~vehicle and the impoundment of the owner's certificate of~~ 5642
~~registration and license plates until the owner complies with~~ 5643
~~division (A) (5) of this section.~~ 5644

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

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

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

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

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

(a) On or before the date specified in the order, delivers

the license ~~or certificate of registration and license plates to~~ 5674
the registrar; 5675

(b) Mails the license ~~or certificate of registration and~~ 5676
~~license plates to~~ the registrar in an envelope or container 5677
bearing a postmark showing a date no later than the date 5678
specified in the order. 5679

(5) Except as provided in division (L) of this section, 5680
the registrar shall not restore any operating privileges ~~or~~ 5681
~~registration rights~~ suspended under this section, return any 5682
license, ~~certificate of registration, or license plates~~ 5683
~~impounded~~ surrendered under this section, ~~or reissue license~~ 5684
~~plates under section 4503.232 of the Revised Code, if the~~ 5685
~~registrar destroyed the impounded license plates under that~~ 5686
~~section, or reissue a license under section 4510.52 of the~~ 5687
Revised Code, if the registrar destroyed the suspended license 5688
under that section, unless the rights are not subject to 5689
suspension or revocation under any other law and unless the 5690
person, in addition to complying with all other conditions 5691
required by law for reinstatement of the operating privileges ~~or~~ 5692
~~registration rights~~, complies with all of the following: 5693

(a) Pays to the registrar or an eligible deputy registrar 5694
a financial responsibility reinstatement fee of forty dollars 5695
for the first violation of division (A) (1) of this section, 5696
three hundred dollars for a second violation of that division, 5697
and six hundred dollars for a third or subsequent violation of 5698
that division; 5699

(b) ~~If the person has not voluntarily surrendered the~~ 5700
~~license, certificate, or license plates in compliance with the~~ 5701
~~order, pays to the registrar or an eligible deputy registrar a~~ 5702
~~financial responsibility nonvoluntary compliance fee in an~~ 5703

~~amount, not to exceed fifty dollars, determined by the registrar;~~ 5704
5705

~~(e)~~ Files and continuously maintains proof of financial 5706
responsibility ~~under~~ in accordance with sections 4509.44 to 5707
4509.65 of the Revised Code; 5708

~~(d)~~ (c) Pays a deputy registrar a service fee of ten 5709
dollars to compensate the deputy registrar for services 5710
performed under this section. The deputy registrar shall retain 5711
eight dollars of the service fee and shall transmit the 5712
reinstatement fee, ~~any nonvoluntary compliance fee,~~ and two 5713
dollars of the service fee to the registrar in the manner the 5714
registrar shall determine. 5715

(B) (1) Every party required to file an accident report 5716
under section 4509.06 of the Revised Code also shall include 5717
with the report a document described in division (G) (1) (a) of 5718
this section or shall present proof of financial responsibility 5719
through use of an electronic wireless communications device as 5720
permitted by division (G) (1) (b) of this section. 5721

If the registrar determines, within forty-five days after 5722
the report is filed, that an operator or owner has violated 5723
division (A) (1) of this section, the registrar shall do all of 5724
the following: 5725

~~(a) Order the impoundment, with respect to the motor 5726
vehicle involved, required under division (A) (2) (d) of this 5727
section, of the certificate of registration and license plates 5728
of any owner who has violated division (A) (1) of this section;~~ 5729

~~(b)~~ Order the suspension required under division (A) (2) 5730
(a), (b), or (c) of this section of the license of any operator 5731
or owner who has violated division (A) (1) of this section; 5732

~~(e)-(b)~~ Record the name and address of the person whose 5733
~~certificate of registration and license plates have been~~ 5734
~~impounded or are under an order of impoundment, or whose license~~ 5735
has been suspended or is under an order of suspension, ~~the~~ 5736
serial number of the person's license, ~~the serial numbers of the~~ 5737
~~person's certificate of registration and license plates,~~ and 5738
the person's social security account number, if assigned, or, 5739
where the motor vehicle that is the subject of the violation is 5740
used for hire or principally in connection with any established 5741
business, the person's federal taxpayer identification number. 5742
The information shall be recorded in such a manner that it 5743
becomes a part of the person's permanent record, and assists the 5744
registrar in monitoring compliance with the orders of suspension 5745
~~or impoundment.~~ 5746

~~(d)-(c)~~ Send written notification to every person to whom 5747
the order pertains, at the person's last known address as shown 5748
on the records of the bureau. The person, within ten days after 5749
the date of the mailing of the notification, shall surrender to 5750
the registrar, in a manner set forth in division (A) (4) of this 5751
section, ~~any certificate of registration and registration plates~~ 5752
~~under an order of impoundment, or any license under an order of~~ 5753
suspension. 5754

(2) The registrar shall issue any order under division (B) 5755
(1) of this section without a hearing. Any person adversely 5756
affected by the order, within ten days after the issuance of the 5757
order, may request an administrative hearing before the 5758
registrar, who shall provide the person with an opportunity for 5759
a hearing in accordance with this paragraph. A request for a 5760
hearing does not operate as a suspension of the order. The scope 5761
of the hearing shall be limited to whether the person in fact 5762
demonstrated to the registrar proof of financial responsibility 5763

in accordance with this section. The registrar shall determine 5764
the date, time, and place of any hearing, provided that the 5765
hearing shall be held, and an order issued or findings made, 5766
within thirty days after the registrar receives a request for a 5767
hearing. If requested by the person in writing, the registrar 5768
may designate as the place of hearing the county seat of the 5769
county in which the person resides or a place within fifty miles 5770
of the person's residence. The person shall pay the cost of the 5771
hearing before the registrar, if the registrar's order of 5772
suspension ~~or impoundment~~ is upheld. 5773

(C) Any order of suspension ~~or impoundment~~ issued under 5774
this section or division (B) of section 4509.37 of the Revised 5775
Code may be terminated at any time if the registrar determines 5776
upon a showing of proof of financial responsibility that the 5777
operator or owner of the motor vehicle was in compliance with 5778
division (A)(1) of this section at the time of the traffic 5779
offense, motor vehicle inspection, or accident that resulted in 5780
the order against the person. A determination may be made 5781
without a hearing. This division does not apply unless the 5782
person shows good cause for the person's failure to present 5783
satisfactory proof of financial responsibility to the registrar 5784
prior to the issuance of the order. 5785

(D)(1)(a) For the purpose of enforcing this section, every 5786
peace officer is deemed an agent of the registrar. 5787

(b) Any peace officer who, in the performance of the peace 5788
officer's duties as authorized by law, becomes aware of a person 5789
whose license is under an order of suspension, ~~or whose~~ 5790
~~certificate of registration and license plates are under an~~ 5791
~~order of impoundment,~~ pursuant to this section, may confiscate 5792
the license, ~~certificate of registration, and license plates,~~ 5793

and return ~~them~~it to the registrar. 5794

(2) A peace officer shall request the owner or operator of 5795
a motor vehicle to produce proof of financial responsibility in 5796
a manner described in division (G) of this section at the time 5797
the peace officer acts to enforce the traffic laws of this state 5798
and during motor vehicle inspections conducted pursuant to 5799
section 4513.02 of the Revised Code. 5800

(3) A peace officer shall indicate on every traffic ticket 5801
whether the person receiving the traffic ticket produced proof 5802
of the maintenance of financial responsibility in response to 5803
the officer's request under division (D) (2) of this section. The 5804
peace officer shall inform every person who receives a traffic 5805
ticket and who has failed to produce proof of the maintenance of 5806
financial responsibility that the person must submit proof to 5807
the traffic violations bureau with any payment of a fine and 5808
costs for the ticketed violation or, if the person is to appear 5809
in court for the violation, the person must submit proof to the 5810
court. 5811

(4) (a) If a person who has failed to produce proof of the 5812
maintenance of financial responsibility appears in court for a 5813
ticketed violation, the court may permit the defendant to 5814
present evidence of proof of financial responsibility to the 5815
court at such time and in such manner as the court determines to 5816
be necessary or appropriate. In a manner prescribed by the 5817
registrar, the clerk of courts shall provide the registrar with 5818
the identity of any person who fails to submit proof of the 5819
maintenance of financial responsibility pursuant to division (D) 5820
(3) of this section. 5821

(b) If a person who has failed to produce proof of the 5822
maintenance of financial responsibility also fails to submit 5823

that proof to the traffic violations bureau with payment of a 5824
fine and costs for the ticketed violation, the traffic 5825
violations bureau, in a manner prescribed by the registrar, 5826
shall notify the registrar of the identity of that person. 5827

(5) (a) Upon receiving notice from a clerk of courts or 5828
traffic violations bureau pursuant to division (D) (4) of this 5829
section, the registrar shall order the suspension of the license 5830
of the person required under division (A) (2) (a), (b), or (c) of 5831
this section ~~and the impoundment of the person's certificate of~~ 5832
~~registration and license plates required under division (A) (2)~~ 5833
~~(d) of this section,~~ effective ~~thirty~~ forty-five days after the 5834
date of the mailing of notification. The registrar also shall 5835
notify the person that the person must present the registrar 5836
with proof of financial responsibility in accordance with this 5837
section, surrender to the registrar the person's ~~certificate of~~ 5838
~~registration, license plates, and license,~~ or submit a statement 5839
subject to section 2921.13 of the Revised Code that the person 5840
did not operate or permit the operation of the motor vehicle at 5841
the time of the offense. Notification shall be in writing and 5842
shall be sent to the person at the person's last known address 5843
as shown on the records of the bureau of motor vehicles. The 5844
person, within ~~fifteen~~ forty-five days after the date of the 5845
mailing of notification, shall present proof of financial 5846
responsibility, surrender the ~~certificate of registration,~~ 5847
~~license plates, and license~~ to the registrar in a manner set 5848
forth in division (A) (4) of this section, or submit the 5849
statement required under this section together with other 5850
information the person considers appropriate. 5851

If the registrar does not receive proof or the person does 5852
not surrender the ~~certificate of registration, license plates,~~ 5853
~~and license,~~ in accordance with this division, the registrar 5854

shall permit the order for the suspension of the license of the 5855
person and ~~the impoundment of the person's certificate of~~ 5856
~~registration and license plates~~ to take effect. 5857

(b) In the case of a person who presents, within the 5858
~~fifteen-day forty-five-day~~ period, proof of financial 5859
responsibility, the registrar shall terminate the order of 5860
suspension and ~~the impoundment of the registration and license~~ 5861
~~plates required under division (A) (2) (d) of this section~~ and 5862
shall send written notification to the person, at the person's 5863
last known address as shown on the records of the bureau. 5864

(c) Any person adversely affected by the order of the 5865
registrar under division (D) (5) (a) or (b) of this section, 5866
within ten days after the issuance of the order, may request an 5867
administrative hearing before the registrar, who shall provide 5868
the person with an opportunity for a hearing in accordance with 5869
this paragraph. A request for a hearing does not operate as a 5870
suspension of the order. The scope of the hearing shall be 5871
limited to whether, at the time of the hearing, the person 5872
presents proof of financial responsibility covering the vehicle 5873
and whether the person is eligible for an exemption in 5874
accordance with this section or any rule adopted under it. The 5875
registrar shall determine the date, time, and place of any 5876
hearing; provided, that the hearing shall be held, and an order 5877
issued or findings made, within thirty days after the registrar 5878
receives a request for a hearing. If requested by the person, 5879
the hearing may be held remotely by electronic means. If 5880
requested by the person in writing, the registrar may designate 5881
as the place of hearing the county seat of the county in which 5882
the person resides or a place within fifty miles of the person's 5883
residence. Such person shall pay the cost of the hearing before 5884
the registrar, if the registrar's order of suspension ~~or~~ 5885

~~impoundment~~ under division (D) (5) (a) or (b) of this section is 5886
upheld. 5887

~~(6) A peace officer may charge an owner or operator of a 5888
motor vehicle with a violation of section 4510.16 of the Revised 5889
Code when the owner or operator fails to show proof of the 5890
maintenance of financial responsibility pursuant to a peace 5891
officer's request under division (D) (2) of this section, if a 5892
check of the owner or operator's driving record indicates that 5893
the owner or operator, at the time of the operation of the motor 5894
vehicle, is required to file and maintain proof of financial 5895
responsibility under section 4509.45 of the Revised Code for a 5896
previous violation of this chapter. 5897~~

~~(7) Any forms used by law enforcement agencies in 5898
administering this section shall be prescribed, supplied, and 5899
paid for by the registrar. 5900~~

~~(8) (7) No peace officer, law enforcement agency employing 5901
a peace officer, or political subdivision or governmental agency 5902
that employs a peace officer shall be liable in a civil action 5903
for damages or loss to persons arising out of the performance of 5904
any duty required or authorized by this section. 5905~~

~~(9) (8) As used in this section, "peace officer" has the 5906
meaning set forth in section 2935.01 of the Revised Code. 5907~~

(E) All fees, except court costs, fees paid to a deputy 5908
registrar, and those portions of the financial responsibility 5909
reinstatement fees as otherwise specified in this division, 5910
collected under this section shall be paid into the state 5911
treasury to the credit of the public safety - highway purposes 5912
fund established in section 4501.06 of the Revised Code and used 5913
to cover costs incurred by the bureau in the administration of 5914

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 ten dollars into the state treasury to the credit of the indigent defense support fund created by section 120.08 of the Revised Code.

(F) Chapter 119. of the Revised Code applies to this section only to the extent that any provision in that chapter is not clearly inconsistent with this section.

(G) (1) (a) The registrar, court, traffic violations bureau, or peace officer may require proof of financial responsibility to be demonstrated by use of a standard form prescribed by the registrar. If the use of a standard form is not required, a person may demonstrate proof of financial responsibility under this section by presenting to the traffic violations bureau, court, registrar, or peace officer any of the following documents or a copy of the documents:

(i) A financial responsibility identification card as provided in section 4509.103 of the Revised Code;

(ii) A certificate of proof of financial responsibility on a form provided and approved by the registrar for the filing of an accident report required to be filed under section 4509.06 of the Revised Code;

(iii) A policy of liability insurance, a declaration page	5944
of a policy of liability insurance, or liability bond, if the	5945
policy or bond complies with section 4509.20 or sections 4509.49	5946
to 4509.61 of the Revised Code;	5947
(iv) A bond or certification of the issuance of a bond as	5948
provided in section 4509.59 of the Revised Code;	5949
(v) A certificate of deposit of money or securities as	5950
provided in section 4509.62 of the Revised Code;	5951
(vi) A certificate of self-insurance as provided in	5952
section 4509.72 of the Revised Code.	5953
(b) A person also may present proof of financial	5954
responsibility under this section to the traffic violations	5955
bureau, court, registrar, or peace officer through use of an	5956
electronic wireless communications device as specified under	5957
section 4509.103 of the Revised Code.	5958
(2) If a person fails to demonstrate proof of financial	5959
responsibility in a manner described in division (G)(1) of this	5960
section, the person may demonstrate proof of financial	5961
responsibility under this section by any other method that the	5962
court or the bureau, by reason of circumstances in a particular	5963
case, may consider appropriate.	5964
(3) A motor carrier certificated by the interstate	5965
commerce commission or by the public utilities commission may	5966
demonstrate proof of financial responsibility by providing a	5967
statement designating the motor carrier's operating authority	5968
and averring that the insurance coverage required by the	5969
certificating authority is in full force and effect.	5970
(4) (a) A finding by the registrar or court that a person	5971
is covered by proof of financial responsibility in the form of	5972

an insurance policy or surety bond is not binding upon the named 5973
insurer or surety or any of its officers, employees, agents, or 5974
representatives and has no legal effect except for the purpose 5975
of administering this section. 5976

(b) The preparation and delivery of a financial 5977
responsibility identification card or any other document 5978
authorized to be used as proof of financial responsibility and 5979
the generation and delivery of proof of financial responsibility 5980
to an electronic wireless communications device that is 5981
displayed on the device as text or images does not do any of the 5982
following: 5983

(i) Create any liability or estoppel against an insurer or 5984
surety, or any of its officers, employees, agents, or 5985
representatives; 5986

(ii) Constitute an admission of the existence of, or of 5987
any liability or coverage under, any policy or bond; 5988

(iii) Waive any defenses or counterclaims available to an 5989
insurer, surety, agent, employee, or representative in an action 5990
commenced by an insured or third-party claimant upon a cause of 5991
action alleged to have arisen under an insurance policy or 5992
surety bond or by reason of the preparation and delivery of a 5993
document for use as proof of financial responsibility or the 5994
generation and delivery of proof of financial responsibility to 5995
an electronic wireless communications device. 5996

(c) Whenever it is determined by a final judgment in a 5997
judicial proceeding that an insurer or surety, which has been 5998
named on a document or displayed on an electronic wireless 5999
communications device accepted by a court or the registrar as 6000
proof of financial responsibility covering the operation of a 6001

motor vehicle at the time of an accident or offense, is not 6002
liable to pay a judgment for injuries or damages resulting from 6003
such operation, the registrar, notwithstanding any previous 6004
contrary finding, shall forthwith suspend the operating 6005
privileges and registration rights of the person against whom 6006
the judgment was rendered as provided in division (A) (2) of this 6007
section. 6008

(H) In order for any document or display of text or images 6009
on an electronic wireless communications device described in 6010
division (G) (1) of this section to be used for the demonstration 6011
of proof of financial responsibility under this section, the 6012
document or words or images shall state the name of the insured 6013
or obligor, the name of the insurer or surety company, and the 6014
effective and expiration dates of the financial responsibility, 6015
and designate by explicit description or by appropriate 6016
reference all motor vehicles covered which may include a 6017
reference to fleet insurance coverage. 6018

(I) For purposes of this section, "owner" does not include 6019
a licensed motor vehicle leasing dealer as defined in section 6020
4517.01 of the Revised Code, but does include a motor vehicle 6021
renting dealer as defined in section 4549.65 of the Revised 6022
Code. Nothing in this section or in section 4509.51 of the 6023
Revised Code shall be construed to prohibit a motor vehicle 6024
renting dealer from entering into a contractual agreement with a 6025
person whereby the person renting the motor vehicle agrees to be 6026
solely responsible for maintaining proof of financial 6027
responsibility, in accordance with this section, with respect to 6028
the operation, maintenance, or use of the motor vehicle during 6029
the period of the motor vehicle's rental. 6030

(J) The purpose of this section is to require the 6031

maintenance of proof of financial responsibility with respect to 6032
the operation of motor vehicles on the highways of this state, 6033
so as to minimize those situations in which persons are not 6034
compensated for injuries and damages sustained in motor vehicle 6035
accidents. The general assembly finds that this section contains 6036
reasonable civil penalties and procedures for achieving this 6037
purpose. 6038

(K) Nothing in this section shall be construed to be 6039
subject to section 4509.78 of the Revised Code. 6040

(L) (1) The registrar may terminate any suspension imposed 6041
under this section and not require the owner to comply with 6042
~~divisions (A) (5) (a), (b), and (c)~~ division (A) (5) of this section 6043
if the registrar with or without a hearing determines that the 6044
owner of the vehicle has established by clear and convincing 6045
evidence that all of the following apply: 6046

(a) The owner customarily maintains proof of financial 6047
responsibility. 6048

(b) Proof of financial responsibility was not in effect 6049
for the vehicle on the date in question for one of the following 6050
reasons: 6051

(i) The vehicle was inoperable. 6052

(ii) The vehicle is operated only seasonally, and the date 6053
in question was outside the season of operation. 6054

(iii) A person other than the vehicle owner or driver was 6055
at fault for the lapse of proof of financial responsibility 6056
through no fault of the owner or driver. 6057

(iv) The lapse of proof of financial responsibility was 6058
caused by excusable neglect under circumstances that are not 6059

likely to recur and do not suggest a purpose to evade the requirements of this chapter.

(2) The registrar may grant an owner or driver relief for a reason specified in division (L) (1) (b) (iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L) (1) (b) (iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include ~~procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights,~~ acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N) (1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an employee or official of a traffic violations bureau, or the court, the person assumes the risk of any resulting damage to the device unless the registrar, peace officer, employee, or official, or court personnel purposely, knowingly, or recklessly

commits an action that results in damage to the device. 6090

Sec. 4509.45. (A) As used in this section, "electronic 6091
wireless communications device" has the same meaning as in 6092
section 4509.103 of the Revised Code. 6093

(B) Proof of financial responsibility when required under 6094
section 4509.101, 4509.33, 4509.34, 4509.38, 4509.40, 4509.42, 6095
4509.44, or 4510.038 of the Revised Code may be given by filing 6096
and maintaining any of the following: 6097

(1) A financial responsibility identification card as 6098
provided in section 4509.104 of the Revised Code; 6099

(2) A certificate of insurance as provided in section 6100
4509.46 or 4509.47 of the Revised Code; 6101

(3) A bond as provided in section 4509.59 of the Revised 6102
Code; 6103

(4) A certificate of deposit of money or securities as 6104
provided in section 4509.62 of the Revised Code; 6105

(5) A certificate of self-insurance, as provided in 6106
section 4509.72 of the Revised Code, supplemented by an 6107
agreement by the self-insurer that, with respect to accidents 6108
occurring while the certificate is in force, the self-insurer 6109
will pay the same amounts that an insurer would have been 6110
obligated to pay under an owner's motor vehicle liability policy 6111
if it had issued such a policy to the self-insurer. 6112

(C) When proof of financial responsibility is required to 6113
be given under section 4509.101 of the Revised Code, such proof 6114
also may be given through use of an electronic wireless 6115
communications device as provided in that section. 6116

(D) Proof under division (B) of this section shall be 6117

filed and maintained for ~~five years~~ one year from the date of 6118
the registrar's imposition of a ~~class A, B, or C~~ suspension of 6119
operating privileges ~~and shall be filed and maintained for three~~ 6120
~~years from the date of the registrar's imposition of a class D,~~ 6121
~~E, or F~~ suspension of operating privileges. Proof of financial 6122
responsibility that is required to be filed and maintained with 6123
the registrar during a period of suspension of operating 6124
privileges described in this division shall not be given through 6125
the use of an electronic wireless communications device. 6126

Sec. 4509.66. Whenever any proof of financial 6127
responsibility filed under sections 4509.01 to 4509.78, 6128
inclusive, of the Revised Code, no longer fulfills the purposes 6129
for which required, the registrar of motor vehicles shall 6130
require other proof and shall suspend the license ~~and~~ 6131
~~registration~~ or the nonresident's operating privilege pending 6132
the filing of such other proof. 6133

Sec. 4509.67. (A) The registrar of motor vehicles shall, 6134
upon request, consent to the immediate cancellation of any bond 6135
or certificate of insurance, return to the person entitled any 6136
money deposited under sections 4509.01 to 4509.78 of the Revised 6137
Code, as proof of financial responsibility, or waive the 6138
requirement of filing proof, in any of the following events: 6139

(1) At any time after ~~three years~~ one year from the date 6140
such proof was required when, during the ~~three years~~ one year 6141
preceding the request, the registrar has not received record of 6142
a conviction or bail forfeiture which would require or permit 6143
the suspension or revocation of the license, ~~registration~~ or 6144
nonresident's operating privilege of the person by or for whom 6145
such proof was furnished ~~and the person's motor vehicle~~ 6146
~~registration has not been suspended for a violation of section~~ 6147

~~4509.101 of the Revised Code;~~ 6148

(2) In the event of the death of the person on whose 6149
behalf such proof was filed or the permanent incapacity of such 6150
person to operate a motor vehicle; 6151

(3) In the event the person who has given proof surrenders 6152
the person's license ~~and registration~~ to the registrar. 6153

(B) The registrar shall not consent to the cancellation of 6154
any bond or the return of any money if any action for damages 6155
upon a liability covered by such proof is pending, or any 6156
judgment upon any such liability is unsatisfied, or in the event 6157
the person who has filed such bond or deposited such money has 6158
within two years immediately preceding such request been 6159
involved as a driver or owner in any motor vehicle accident 6160
resulting in injury to the person or property of others. An 6161
affidavit of the applicant as to the nonexistence of such facts, 6162
or that the applicant has been released from all liability, or 6163
has been finally adjudicated not liable, for such injury may be 6164
accepted as evidence thereof in the absence of evidence to the 6165
contrary in the records of the registrar. 6166

(C) Whenever any person whose proof has been canceled or 6167
returned under division (A) (3) of this section applies for a 6168
license ~~or registration~~ within a period of ~~three years~~ one year 6169
from the date proof was originally required, any such 6170
application shall be refused unless the applicant re-establishes 6171
proof of financial responsibility for the remainder of the 6172
~~three-year~~ one-year period. 6173

Sec. 4509.69. Any person whose license ~~or registration~~ has 6174
been suspended, or whose policy of insurance or bond has been 6175
canceled or terminated, or who neglects to furnish other proof 6176

of financial responsibility upon request of the registrar of 6177
motor vehicles, shall immediately return ~~his~~ the person's 6178
license and ~~registration including the registration plates~~ to 6179
the registrar. 6180

Sec. 4509.77. (A) No person shall willfully fail to return 6181
a license ~~or registration~~ as required in section 4509.69 of the 6182
Revised Code. 6183

(B) Whoever violates this section shall be fined not more 6184
than five hundred dollars, imprisoned for not more than thirty 6185
days, or both. 6186

Sec. 4510.101. As used in sections 4510.101 to ~~4510.107~~ 6187
4510.108 of the Revised Code: 6188

(A) "Eligible offense" means an offense under any of the 6189
following Revised Code sections if the offense, an essential 6190
element of the offense, the basis of the charge, or any 6191
underlying offense did not involve alcohol, a drug of abuse, 6192
combination thereof, or a deadly weapon: ~~2151.354, 2152.19,~~ 6193

(1) Sections 2151.354, 2152.19, 2152.21, 2913.02, 4507.20, 6194
4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 4510.05, 4510.06, 6195
4510.15, 4510.22, 4510.23, 4510.31, ~~4510.32,~~ 4511.203, 4511.205, 6196
4511.251, 4511.75, 4549.02, 4549.021, and 5743.99 of the Revised 6197
Code. 6198

(2) Section 4510.32 of the Revised Code for a driver's 6199
license suspension imposed prior to the effective date of this 6200
amendment. 6201

(B) "Deadly weapon" has the same meaning as in section 6202
2923.11 of the Revised Code. 6203

(C) "Drug of abuse" has the same meaning as in section 6204

4511.181 of the Revised Code. 6205

(D) "Complete amnesty" means a waiver of reinstatement 6206
fees. 6207

(E) "Driver's license or permit" does not include a 6208
commercial driver's license or permit. 6209

(F) "Indigent" means a person who is a participant in any 6210
of the following programs: 6211

(1) The supplemental nutrition assistance program 6212
administered by the department of job and family services 6213
pursuant to section 5101.54 of the Revised Code; 6214

(2) The medicaid program pursuant to Chapter 5163. of the 6215
Revised Code; 6216

(3) The Ohio works first program administered by the 6217
department of job and family services pursuant to section 6218
5107.10 of the Revised Code; 6219

(4) The supplemental security income program pursuant to 6220
20 C.F.R. 416.1100; 6221

(5) The United States department of veterans affairs 6222
pension benefit program pursuant to 38 U.S.C. 1521. 6223

(G) "Permanent driver's license reinstatement fee debt 6224
reduction and amnesty program" or "program" means the program 6225
established in section 4510.102 of the Revised Code and 6226
administered by the director of public safety. 6227

Sec. 4510.111. (A) No person shall operate any motor 6228
vehicle upon a highway or any public or private property used by 6229
the public for purposes of vehicular travel or parking in this 6230
state whose driver's or commercial driver's license has been 6231

suspended pursuant to section 2151.354, ~~2151.87~~, 2935.27, 6232
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised 6233
Code. 6234

(B) Upon the request or motion of the prosecuting 6235
authority, a noncertified copy of the law enforcement automated 6236
data system report or a noncertified copy of a record of the 6237
registrar of motor vehicles that shows the name, date of birth, 6238
and social security number of a person charged with a violation 6239
of division (A) of this section may be admitted into evidence as 6240
prima-facie evidence that the license of the person was under 6241
suspension at the time of the alleged violation of division (A) 6242
of this section. The person charged with a violation of division 6243
(A) of this section may offer evidence to rebut this prima-facie 6244
evidence. 6245

(C) Whoever violates division (A) of this section is 6246
guilty of driving under suspension, and shall be punished as 6247
provided in division (C) (1) or (2) of this section. 6248

(1) Except as otherwise provided in division (C) (2) of 6249
this section, the offense is an unclassified misdemeanor. The 6250
offender shall be sentenced pursuant to sections 2929.21 to 6251
2929.28 of the Revised Code, except that the offender shall not 6252
be sentenced to a jail term; the offender shall not be sentenced 6253
to a community residential sanction pursuant to section 2929.26 6254
of the Revised Code; notwithstanding division (A) (2) (a) of 6255
section 2929.28 of the Revised Code, the offender may be fined 6256
up to one thousand dollars; and, notwithstanding division (A) (3) 6257
of section 2929.27 of the Revised Code, the offender may be 6258
ordered pursuant to division (C) of that section to serve a term 6259
of community service of up to five hundred hours. The failure of 6260
an offender to complete a term of community service imposed by 6261

the court may be punished as indirect criminal contempt under 6262
division (A) of section 2705.02 of the Revised Code that may be 6263
filed in the underlying case. 6264

(2) If, within three years of the offense, the offender 6265
previously was convicted of or pleaded guilty to two or more 6266
violations of division (A) of this section, or any combination 6267
of two or more violations of division (A) of this section or 6268
section 4510.11 or 4510.16 of the Revised Code, or a 6269
substantially equivalent municipal ordinance, the offense is a 6270
misdemeanor of the fourth degree, and the offender shall provide 6271
the court with proof of financial responsibility as defined in 6272
section 4509.01 of the Revised Code. If the offender fails to 6273
provide that proof of financial responsibility, then in addition 6274
to any other penalties provided by law, the court may order 6275
restitution pursuant to section 2929.28 of the Revised Code in 6276
an amount not exceeding five thousand dollars for any economic 6277
loss arising from an accident or collision that was the direct 6278
and proximate result of the offender's operation of the vehicle 6279
before, during, or after committing the offense for which the 6280
offender is sentenced under this section. 6281

Sec. 4510.16. (A) No person, whose driver's or commercial 6282
driver's license or temporary instruction permit or 6283
nonresident's operating privilege has been suspended or canceled 6284
pursuant to Chapter 4509. of the Revised Code, shall operate any 6285
motor vehicle within this state, or knowingly permit any motor 6286
vehicle owned by the person to be operated by another person in 6287
the state, during the period of the suspension or cancellation, 6288
except as specifically authorized by Chapter 4509. of the 6289
Revised Code. ~~No person shall operate a motor vehicle within~~ 6290
~~this state, or knowingly permit any motor vehicle owned by the~~ 6291
~~person to be operated by another person in the state, during the~~ 6292

~~period in which the person is required by section 4509.45 of the~~ 6293
~~Revised Code to file and maintain proof of financial~~ 6294
~~responsibility for a violation of section 4509.101 of the~~ 6295
~~Revised Code, unless proof of financial responsibility is~~ 6296
~~maintained with respect to that vehicle.~~ 6297

(B) No person shall operate any motor vehicle upon a 6298
highway or any public or private property used by the public for 6299
purposes of vehicular travel or parking in this state if the 6300
person's driver's or commercial driver's license or temporary 6301
instruction permit or nonresident operating privilege has been 6302
suspended pursuant to section 4509.37 or 4509.40 of the Revised 6303
Code for nonpayment of a judgment. 6304

(C) Upon the request or motion of the prosecuting 6305
authority, a noncertified copy of the law enforcement automated 6306
data system report or a noncertified copy of a record of the 6307
registrar of motor vehicles that shows the name, date of birth, 6308
and social security number of a person charged with a violation 6309
of division (A) or (B) of this section may be admitted into 6310
evidence as prima-facie evidence that the license of the person 6311
was under either a financial responsibility law suspension at 6312
the time of the alleged violation of division (A) of this 6313
section or a nonpayment of judgment suspension at the time of 6314
the alleged violation of division (B) of this section. The 6315
person charged with a violation of division (A) or (B) of this 6316
section may offer evidence to rebut this prima-facie evidence. 6317

(D) Whoever violates division (A) of this section is 6318
guilty of driving under financial responsibility law suspension 6319
or cancellation and shall be punished as provided in divisions 6320
~~(D)~~ (D) (1) to ~~(I)~~ (3) of this section. Whoever violates division 6321
(B) of this section is guilty of driving under a nonpayment of 6322

judgment suspension and shall be punished as provided in 6323
divisions ~~(D)~~(D) (1) to ~~(I)~~(3) of this section. 6324

(1) Except as otherwise provided in division (D) (2) of 6325
this section, the offense is an unclassified misdemeanor. When 6326
the offense is an unclassified misdemeanor, the offender shall 6327
be sentenced pursuant to sections 2929.21 to 2929.28 of the 6328
Revised Code, except that the offender shall not be sentenced to 6329
a jail term; the offender shall not be sentenced to a community 6330
residential sanction pursuant to section 2929.26 of the Revised 6331
Code; notwithstanding division (A) (2) (a) of section 2929.28 of 6332
the Revised Code, the offender may be fined up to one thousand 6333
dollars; and, notwithstanding division (A) (3) of section 2929.27 6334
of the Revised Code, the offender may be ordered pursuant to 6335
division (C) of that section to serve a term of community 6336
service of up to five hundred hours. The failure of an offender 6337
to complete a term of community service imposed by the court may 6338
be punished as indirect criminal contempt under division (A) of 6339
section 2705.02 of the Revised Code that may be filed in the 6340
underlying case. 6341

(2) If, within three years of the offense, the offender 6342
previously was convicted of or pleaded guilty to two or more 6343
violations of this section, or any combination of two violations 6344
of this section or section 4510.11 or 4510.111 of the Revised 6345
Code, or a substantially equivalent municipal ordinance, the 6346
offense is a misdemeanor of the fourth degree. 6347

(3) The offender shall provide the court with proof of 6348
financial responsibility as defined in section 4509.01 of the 6349
Revised Code. If the offender fails to provide that proof of 6350
financial responsibility, then in addition to any other 6351
penalties provided by law, the court may order restitution 6352

pursuant to section 2929.28 of the Revised Code in an amount not 6353
exceeding five thousand dollars for any economic loss arising 6354
from an accident or collision that was the direct and proximate 6355
result of the offender's operation of the vehicle before, 6356
during, or after committing the offense for which the offender 6357
is sentenced under this section. 6358

Sec. 4510.17. (A) The registrar of motor vehicles shall 6359
impose a class D suspension of the person's driver's license, 6360
commercial driver's license, temporary instruction permit, 6361
probationary license, or nonresident operating privilege for the 6362
period of time specified in division (B) (4) of section 4510.02 6363
of the Revised Code on any person who is a resident of this 6364
state and is convicted of or pleads guilty to a violation of a 6365
statute of any other state or any federal statute that is 6366
substantially similar to section 2925.02, 2925.03, 2925.04, 6367
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 6368
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 6369
2925.37 of the Revised Code, provided that the person's license, 6370
permit, or privilege is required to be suspended had the offense 6371
occurred in this state. Upon receipt of a report from a court, 6372
court clerk, or other official of any other state or from any 6373
federal authority that a resident of this state was convicted of 6374
or pleaded guilty to an offense described in this division, the 6375
registrar shall send a notice by regular first class mail to the 6376
person, at the person's last known address as shown in the 6377
records of the bureau of motor vehicles, informing the person of 6378
the suspension, that the suspension will take effect twenty-one 6379
days from the date of the notice, and that, if the person wishes 6380
to appeal the suspension or denial, the person must file a 6381
notice of appeal within twenty-one days of the date of the 6382
notice requesting a hearing on the matter. If the person 6383

requests a hearing, the registrar shall hold the hearing not 6384
more than forty days after receipt by the registrar of the 6385
notice of appeal. The filing of a notice of appeal does not stay 6386
the operation of the suspension that must be imposed pursuant to 6387
this division. The scope of the hearing shall be limited to 6388
whether the person actually was convicted of or pleaded guilty 6389
to the offense for which the suspension is to be imposed. 6390

The suspension the registrar is required to impose under 6391
this division shall end either on the last day of the class D 6392
suspension period or of the suspension of the person's 6393
nonresident operating privilege imposed by the state or federal 6394
court, whichever is earlier. 6395

The registrar shall subscribe to or otherwise participate 6396
in any information system or register, or enter into reciprocal 6397
and mutual agreements with other states and federal authorities, 6398
in order to facilitate the exchange of information with other 6399
states and the United States government regarding persons who 6400
plead guilty to or are convicted of offenses described in this 6401
division and therefore are subject to the suspension or denial 6402
described in this division. 6403

(B) The registrar shall impose a class D suspension of the 6404
person's driver's license, commercial driver's license, 6405
temporary instruction permit, probationary license, or 6406
nonresident operating privilege for the period of time specified 6407
in division (B) (4) of section 4510.02 of the Revised Code on any 6408
person who is a resident of this state and is convicted of or 6409
pleads guilty to a violation of a statute of any other state or 6410
a municipal ordinance of a municipal corporation located in any 6411
other state that is substantially similar to section 4511.19 of 6412
the Revised Code. Upon receipt of a report from another state 6413

made pursuant to section 4510.61 of the Revised Code indicating 6414
that a resident of this state was convicted of or pleaded guilty 6415
to an offense described in this division, the registrar shall 6416
send a notice by regular first class mail to the person, at the 6417
person's last known address as shown in the records of the 6418
bureau of motor vehicles, informing the person of the 6419
suspension, that the suspension or denial will take effect 6420
twenty-one days from the date of the notice, and that, if the 6421
person wishes to appeal the suspension, the person must file a 6422
notice of appeal within twenty-one days of the date of the 6423
notice requesting a hearing on the matter. If the person 6424
requests a hearing, the registrar shall hold the hearing not 6425
more than forty days after receipt by the registrar of the 6426
notice of appeal. The filing of a notice of appeal does not stay 6427
the operation of the suspension that must be imposed pursuant to 6428
this division. The scope of the hearing shall be limited to 6429
whether the person actually was convicted of or pleaded guilty 6430
to the offense for which the suspension is to be imposed. 6431

The suspension the registrar is required to impose under 6432
this division shall end either on the last day of the class D 6433
suspension period or of the suspension of the person's 6434
nonresident operating privilege imposed by the state or federal 6435
court, whichever is earlier. 6436

(C) The registrar shall impose a class D suspension of the 6437
child's driver's license, commercial driver's license, temporary 6438
instruction permit, or nonresident operating privilege for the 6439
period of time specified in division (B)(4) of section 4510.02 6440
of the Revised Code on any child who is a resident of this state 6441
and is convicted of or pleads guilty to a violation of a statute 6442
of any other state or any federal statute that is substantially 6443
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 6444

2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 6445
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 6446
Code, provided the child's license, permit, or privilege is 6447
required to be suspended had the offense occurred in this state. 6448
Upon receipt of a report from a court, court clerk, or other 6449
official of any other state or from any federal authority that a 6450
child who is a resident of this state was convicted of or 6451
pleaded guilty to an offense described in this division, the 6452
registrar shall send a notice by regular first class mail to the 6453
child, at the child's last known address as shown in the records 6454
of the bureau of motor vehicles, informing the child of the 6455
suspension, that the suspension or denial will take effect 6456
twenty-one days from the date of the notice, and that, if the 6457
child wishes to appeal the suspension, the child must file a 6458
notice of appeal within twenty-one days of the date of the 6459
notice requesting a hearing on the matter. If the child requests 6460
a hearing, the registrar shall hold the hearing not more than 6461
forty days after receipt by the registrar of the notice of 6462
appeal. The filing of a notice of appeal does not stay the 6463
operation of the suspension that must be imposed pursuant to 6464
this division. The scope of the hearing shall be limited to 6465
whether the child actually was convicted of or pleaded guilty to 6466
the offense for which the suspension is to be imposed. 6467

The suspension the registrar is required to impose under 6468
this division shall end either on the last day of the class D 6469
suspension period or of the suspension of the child's 6470
nonresident operating privilege imposed by the state or federal 6471
court, whichever is earlier. If the child is a resident of this 6472
state who is sixteen years of age or older and does not have a 6473
current, valid Ohio driver's or commercial driver's license or 6474
permit, the notice shall inform the child that the child will be 6475

denied issuance of a driver's or commercial driver's license or 6476
permit for six months beginning on the date of the notice. If 6477
the child has not attained the age of sixteen years on the date 6478
of the notice, the notice shall inform the child that the period 6479
of denial of six months shall commence on the date the child 6480
attains the age of sixteen years. 6481

The registrar shall subscribe to or otherwise participate 6482
in any information system or register, or enter into reciprocal 6483
and mutual agreements with other states and federal authorities, 6484
in order to facilitate the exchange of information with other 6485
states and the United States government regarding children who 6486
are residents of this state and plead guilty to or are convicted 6487
of offenses described in this division and therefore are subject 6488
to the suspension or denial described in this division. 6489

(D) The registrar shall impose a class D suspension of the 6490
child's driver's license, commercial driver's license, temporary 6491
instruction permit, probationary license, or nonresident 6492
operating privilege for the period of time specified in division 6493
(B) (4) of section 4510.02 of the Revised Code on any child who 6494
is a resident of this state and is convicted of or pleads guilty 6495
to a violation of a statute of any other state or a municipal 6496
ordinance of a municipal corporation located in any other state 6497
that is substantially similar to section 4511.19 of the Revised 6498
Code. Upon receipt of a report from another state made pursuant 6499
to section 4510.61 of the Revised Code indicating that a child 6500
who is a resident of this state was convicted of or pleaded 6501
guilty to an offense described in this division, the registrar 6502
shall send a notice by regular first class mail to the child, at 6503
the child's last known address as shown in the records of the 6504
bureau of motor vehicles, informing the child of the suspension, 6505
that the suspension will take effect twenty-one days from the 6506

date of the notice, and that, if the child wishes to appeal the 6507
suspension, the child must file a notice of appeal within 6508
twenty-one days of the date of the notice requesting a hearing 6509
on the matter. If the child requests a hearing, the registrar 6510
shall hold the hearing not more than forty days after receipt by 6511
the registrar of the notice of appeal. The filing of a notice of 6512
appeal does not stay the operation of the suspension that must 6513
be imposed pursuant to this division. The scope of the hearing 6514
shall be limited to whether the child actually was convicted of 6515
or pleaded guilty to the offense for which the suspension is to 6516
be imposed. 6517

The suspension the registrar is required to impose under 6518
this division shall end either on the last day of the class D 6519
suspension period or of the suspension of the child's 6520
nonresident operating privilege imposed by the state or federal 6521
court, whichever is earlier. If the child is a resident of this 6522
state who is sixteen years of age or older and does not have a 6523
current, valid Ohio driver's or commercial driver's license or 6524
permit, the notice shall inform the child that the child will be 6525
denied issuance of a driver's or commercial driver's license or 6526
permit for six months beginning on the date of the notice. If 6527
the child has not attained the age of sixteen years on the date 6528
of the notice, the notice shall inform the child that the period 6529
of denial of six months shall commence on the date the child 6530
attains the age of sixteen years. 6531

(E) (1) Any person whose license or permit has been 6532
suspended pursuant to this section may file a petition in the 6533
municipal or county court, or in case the person is under 6534
eighteen years of age, the juvenile court, in whose jurisdiction 6535
the person resides, requesting limited driving privileges and 6536
agreeing to pay the cost of the proceedings. Except as provided 6537

in division (E) (2) or (3) of this section, the judge may grant 6538
the person limited driving privileges during the period during 6539
which the suspension otherwise would be imposed for any of the 6540
purposes set forth in division (A) of section 4510.021 of the 6541
Revised Code. 6542

(2) No judge shall grant limited driving privileges for 6543
employment as a driver of a commercial motor vehicle to any 6544
person who would be disqualified from operating a commercial 6545
motor vehicle under section 4506.16 of the Revised Code if the 6546
violation had occurred in this state. Further, no judge shall 6547
grant limited driving privileges during any of the following 6548
periods of time: 6549

(a) The first fifteen days of a suspension under division 6550
(B) or (D) of this section, if the person has not been convicted 6551
within ten years of the date of the offense giving rise to the 6552
suspension under this section of a violation of any of the 6553
following: 6554

(i) Division (A) of section 4511.19 of the Revised Code, 6555
or a municipal ordinance relating to operating a vehicle while 6556
under the influence of alcohol, a drug of abuse, or alcohol and 6557
a drug of abuse; 6558

(ii) A municipal ordinance relating to operating a motor 6559
vehicle with a prohibited concentration of alcohol, a controlled 6560
substance, or a metabolite of a controlled substance in the 6561
whole blood, blood serum or plasma, breath, or urine; 6562

(iii) Section 2903.04 of the Revised Code in a case in 6563
which the person was subject to the sanctions described in 6564
division (D) of that section; 6565

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 6566

of section 2903.08 of the Revised Code or a municipal ordinance 6567
that is substantially similar to either of those divisions; 6568

(v) Division (A) (2), (3), or (4) of section 2903.06, 6569
division (A) (2) of section 2903.08, or as it existed prior to 6570
March 23, 2000, section 2903.07 of the Revised Code, or a 6571
municipal ordinance that is substantially similar to any of 6572
those divisions or that former section, in a case in which the 6573
jury or judge found that the person was under the influence of 6574
alcohol, a drug of abuse, or alcohol and a drug of abuse. 6575

(b) The first thirty days of a suspension under division 6576
(B) or (D) of this section, if the person has been convicted one 6577
time within ten years of the date of the offense giving rise to 6578
the suspension under this section of any violation identified in 6579
division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 6580

(c) The first one hundred eighty days of a suspension 6581
under division (B) or (D) of this section, if the person has 6582
been convicted two times within ten years of the date of the 6583
offense giving rise to the suspension under this section of any 6584
violation identified in division ~~(E) (1) (a)~~ (E) (2) (a) of this 6585
section. 6586

(3) No limited driving privileges may be granted if the 6587
person has been convicted three or more times within five years 6588
of the date of the offense giving rise to a suspension under 6589
division (B) or (D) of this section of any violation identified 6590
in division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 6591

(4) In accordance with section 4510.022 of the Revised 6592
Code, a person may petition for, and a judge may grant, 6593
unlimited driving privileges with a certified ignition interlock 6594
device during the period of suspension imposed under division 6595

(B) or (D) of this section to a person described in division (E) 6596
(2) (a) of this section. 6597

(5) If a person petitions for limited driving privileges 6598
under division (E) (1) of this section or unlimited driving 6599
privileges with a certified ignition interlock device as 6600
provided in division (E) (4) of this section, the registrar shall 6601
be represented by the county prosecutor of the county in which 6602
the person resides if the petition is filed in a juvenile court 6603
or county court, except that if the person resides within a city 6604
or village that is located within the jurisdiction of the county 6605
in which the petition is filed, the city director of law or 6606
village solicitor of that city or village shall represent the 6607
registrar. If the petition is filed in a municipal court, the 6608
registrar shall be represented as provided in section 1901.34 of 6609
the Revised Code. 6610

(6) (a) In issuing an order granting limited driving 6611
privileges under division (E) (1) of this section, the court may 6612
impose any condition it considers reasonable and necessary to 6613
limit the use of a vehicle by the person. The court shall 6614
deliver to the person a copy of the order setting forth the 6615
time, place, and other conditions limiting the person's use of a 6616
motor vehicle. Unless division (E) (6) (b) of this section 6617
applies, the grant of limited driving privileges shall be 6618
conditioned upon the person's having the order in the person's 6619
possession at all times during which the person is operating a 6620
vehicle. 6621

(b) If, under the order, the court requires the use of an 6622
immobilizing or disabling device as a condition of the grant of 6623
limited or unlimited driving privileges, the person shall 6624
present to the registrar or to a deputy registrar the copy of 6625

the order granting limited driving privileges and a certificate 6626
affirming the installation of an immobilizing or disabling 6627
device that is in a form established by the director of public 6628
safety and is signed by the person who installed the device. 6629
Upon presentation of the order and the certificate to the 6630
registrar or a deputy registrar, the registrar or deputy 6631
registrar shall issue to the offender a restricted license, 6632
unless the offender's driver's or commercial driver's license or 6633
permit is suspended under any other provision of law and limited 6634
driving privileges have not been granted with regard to that 6635
suspension. A restricted license issued under this division 6636
shall be identical to an Ohio driver's license, except that it 6637
shall have printed on its face a statement that the offender is 6638
prohibited from operating any motor vehicle that is not equipped 6639
with an immobilizing or disabling device in violation of the 6640
order. 6641

(7) (a) Unless division (E) (7) (b) applies, a person granted 6642
limited driving privileges who operates a vehicle for other than 6643
limited purposes, in violation of any condition imposed by the 6644
court or without having the order in the person's possession, is 6645
guilty of a violation of section 4510.11 of the Revised Code. 6646

(b) No person who has been granted limited or unlimited 6647
driving privileges under division (E) of this section subject to 6648
an immobilizing or disabling device order shall operate a motor 6649
vehicle prior to obtaining a restricted license. Any person who 6650
violates this prohibition is subject to the penalties prescribed 6651
in section 4510.14 of the Revised Code. 6652

(c) The offenses established under division (E) (7) of this 6653
section are strict liability offenses and section 2901.20 of the 6654
Revised Code does not apply. 6655

(F) The provisions of division (A) (8) of section 4510.13 6656
of the Revised Code apply to a person who has been granted 6657
limited or unlimited driving privileges with a certified 6658
ignition interlock device under this section and who either 6659
commits an ignition interlock device violation as defined under 6660
section 4510.46 of the Revised Code or operates a motor vehicle 6661
that is not equipped with a certified ignition interlock device. 6662

(G) Any person whose license or permit has been suspended 6663
under division (A) or (C) of this section may file a petition in 6664
the municipal or county court, or in case the person is under 6665
eighteen years of age, the juvenile court, in whose jurisdiction 6666
the person resides, requesting the termination of the suspension 6667
and agreeing to pay the cost of the proceedings. If the court, 6668
in its discretion, determines that a termination of the 6669
suspension is appropriate, the court shall issue an order to the 6670
registrar to terminate the suspension. Upon receiving such an 6671
order, the registrar shall reinstate the license. 6672

(H) As used in divisions (C) and (D) of this section: 6673

(1) "Child" means a person who is under the age of 6674
eighteen years, except that any person who violates a statute or 6675
ordinance described in division (C) or (D) of this section prior 6676
to attaining eighteen years of age shall be deemed a "child" 6677
irrespective of the person's age at the time the complaint or 6678
other equivalent document is filed in the other state or a 6679
hearing, trial, or other proceeding is held in the other state 6680
on the complaint or other equivalent document, and irrespective 6681
of the person's age when the period of license suspension or 6682
denial prescribed in division (C) or (D) of this section is 6683
imposed. 6684

(2) "Is convicted of or pleads guilty to" means, as it 6685

relates to a child who is a resident of this state, that in a proceeding conducted in a state or federal court located in another state for a violation of a statute or ordinance described in division (C) or (D) of this section, the result of the proceeding is any of the following:

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

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

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

Sec. 4511.62. (A) (1) Whenever any person driving a vehicle or trackless trolley approaches a railroad grade crossing, the person shall stop within fifty feet, but not less than fifteen feet from the nearest rail of the railroad if any of the following circumstances exist at the crossing:

(a) A clearly visible electric or mechanical signal device gives warning of the immediate approach of a train or other on-track equipment.

(b) A crossing gate is lowered.

(c) A flagperson gives or continues to give a signal of the approach or passage of a train or other on-track equipment.

(d) There is insufficient space on the other side of the
railroad grade crossing to accommodate the vehicle or trackless
trolley the person is operating without obstructing the passage
of other vehicles, trackless trolleys, pedestrians, or railroad
trains, notwithstanding any traffic control signal indication to
proceed.

(e) An approaching train is emitting an audible signal or
is plainly visible and is in hazardous proximity to the
crossing.

(f) There is insufficient undercarriage clearance to
safely negotiate the crossing.

(g) There is insufficient space on the other side of the
railroad grade crossing to accommodate the vehicle or trackless
trolley the person is operating without obstructing the passage
of other on-track equipment.

(h) Approaching on-track equipment is emitting an audible
signal or is plainly visible and is in hazardous proximity to
the crossing.

~~(2)~~(2)(a) A person who is driving a vehicle or trackless
trolley and who approaches a railroad grade crossing shall not
proceed as long as any of the circumstances described in
divisions (A) (1) (a) to (f) of this section exist at the
crossing.

(b) A person who is driving a vehicle or trackless trolley
and who approaches a railroad grade crossing shall not
recklessly proceed as long as any of the circumstances described
in division (A) (1) (g) or (h) of this section exist at the
crossing.

(B) No person shall drive any vehicle through, around, or

under any crossing gate or barrier at a railroad crossing while 6743
the gate or barrier is closed or is being opened or closed 6744
unless the person is signaled by a law enforcement officer or 6745
flagperson that it is permissible to do so. 6746

~~(C)~~(C) (1) Whoever violates this section is guilty of a 6747
misdemeanor of the fourth degree. 6748

(2) In lieu of a fine or jail term for a violation of this 6749
section, a court may instead order the offender to attend and 6750
successfully complete a remedial safety training or presentation 6751
regarding rail safety that is offered by an authorized and 6752
qualified organization that is selected by the court. The 6753
offender shall complete the presentation within a time frame 6754
determined by the court, not to exceed one hundred eighty days 6755
after the court issues the order. The offender shall notify the 6756
court of the successful completion of the presentation. When the 6757
offender notifies the court of the successful completion of the 6758
presentation, the court shall waive any fine or jail term that 6759
it otherwise would have imposed for a violation of this section. 6760

Sec. 4511.63. (A) Except as provided in division (B) of 6761
this section, the operator of any bus, any school vehicle, or 6762
any vehicle transporting a material or materials required to be 6763
placarded under 49 C.F.R. Parts 100-185, before crossing at 6764
grade any track of a railroad, shall stop the vehicle and, while 6765
so stopped, shall listen through an open door or open window and 6766
look in both directions along the track for any approaching 6767
train or other on-track equipment, and for signals indicating 6768
the approach of a train or other on-track equipment, and shall 6769
proceed only upon exercising due care after stopping, looking, 6770
and listening as required by this section. Upon proceeding, the 6771
operator of such a vehicle shall cross only in a gear that will 6772

ensure there will be no necessity for changing gears while 6773
traversing the crossing and shall not shift gears while crossing 6774
the tracks. 6775

(B) This section does not apply at grade crossings when 6776
the public utilities commission has authorized and approved an 6777
exempt crossing as provided in this division. 6778

(1) Any local authority may file an application with the 6779
commission requesting the approval of an exempt crossing. Upon 6780
receipt of such a request, the commission shall authorize a 6781
limited period for the filing of comments by any party regarding 6782
the application and then shall conduct a public hearing in the 6783
community seeking the exempt crossing designation. The 6784
commission shall provide appropriate prior public notice of the 6785
comment period and the public hearing. By registered mail, the 6786
commission shall notify each railroad operating over the 6787
crossing of the comment period. 6788

(2) After considering any comments or other information 6789
received, the commission may approve or reject the application. 6790
By order, the commission may establish conditions for the exempt 6791
crossing designation, including compliance with division (b) of 6792
49 C.F.R. Part 392.10, when applicable. An exempt crossing 6793
designation becomes effective only when appropriate signs giving 6794
notice of the exempt designation are erected at the crossing as 6795
ordered by the commission and any other conditions ordered by 6796
the commission are satisfied. 6797

(3) By order, the commission may rescind any exempt 6798
crossing designation made under this section if the commission 6799
finds that a condition at the exempt crossing has changed to 6800
such an extent that the continuation of the exempt crossing 6801
designation compromises public safety. The commission may 6802

conduct a public hearing to investigate and determine whether to 6803
rescind the exempt crossing designation. If the commission 6804
rescinds the designation, it shall order the removal of any 6805
exempt crossing signs and may make any other necessary order. 6806

(C) As used in this section: 6807

(1) "School vehicle" means any vehicle used for the 6808
transportation of pupils to and from a school or school-related 6809
function if the vehicle is owned or operated by, or operated 6810
under contract with, a public or nonpublic school. 6811

(2) "Bus" means any vehicle originally designed by its 6812
manufacturer to transport sixteen or more passengers, including 6813
the driver, or carries sixteen or more passengers, including the 6814
driver. 6815

(3) "Exempt crossing" means a highway rail grade crossing 6816
authorized and approved by the public utilities commission under 6817
division (B) of this section at which vehicles may cross without 6818
making the stop otherwise required by this section. 6819

(D) Except as otherwise provided in this division, whoever 6820
violates this section is guilty of a minor misdemeanor. If the 6821
offender previously has been convicted of or pleaded guilty to 6822
one or more violations of this section or section 4511.76, 6823
4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised 6824
Code or a municipal ordinance that is substantially similar to 6825
any of those sections, whoever violates this section is guilty 6826
of a misdemeanor of the fourth degree. 6827

Sec. 4511.64. (A) No person shall operate or move any 6828
crawler-type tractor, steam shovel, derrick, roller, or any 6829
equipment or structure having a normal operating speed of six or 6830
less miles per hour or a vertical body or load clearance of less 6831

than nine inches above the level surface of a roadway, upon or 6832
across any tracks at a railroad grade crossing without first 6833
complying with divisions (A) (1) and (2) of this section. 6834

(1) Before making any such crossing, the person operating 6835
or moving any such vehicle or equipment shall first stop the 6836
same, and while stopped the person shall listen and look in both 6837
directions along such track for any approaching train or other 6838
on-track equipment and for signals indicating the approach of a 6839
train or other on-track equipment, and shall proceed only upon 6840
exercising due care. 6841

(2) No such crossing shall be made when warning is given 6842
by automatic signal or crossing gates or a flagperson or 6843
otherwise of the immediate approach of a railroad train or car 6844
or other on-track equipment. 6845

(B) If the normal sustained speed of such vehicle, 6846
equipment, or structure is not more than three miles per hour, 6847
the person owning, operating, or moving the same shall also give 6848
notice of such intended crossing to a station agent or 6849
superintendent of the railroad, and a reasonable time shall be 6850
given to such railroad to provide proper protection for such 6851
crossing. Where such vehicles or equipment are being used in 6852
constructing or repairing a section of highway lying on both 6853
sides of a railroad grade crossing, and in such construction or 6854
repair it is necessary to repeatedly move such vehicles or 6855
equipment over such crossing, one daily notice specifying when 6856
such work will start and stating the hours during which it will 6857
be prosecuted is sufficient. 6858

(C) Except as otherwise provided in this division, whoever 6859
violates this section is guilty of a minor misdemeanor. If, 6860
within one year of the offense, the offender previously has been 6861

convicted of or pleaded guilty to one predicate motor vehicle or 6862
traffic offense, whoever violates this section is guilty of a 6863
misdemeanor of the fourth degree. If, within one year of the 6864
offense, the offender previously has been convicted of two or 6865
more predicate motor vehicle or traffic offenses, whoever 6866
violates this section is guilty of a misdemeanor of the third 6867
degree. 6868

If the offender commits the offense while distracted and 6869
the distracting activity is a contributing factor to the 6870
commission of the offense, the offender is subject to the 6871
additional fine established under section 4511.991 of the 6872
Revised Code. 6873

Sec. 4765.163. (A) The state board of emergency medical, 6874
fire, and transportation services shall establish a process by 6875
which any person may submit a petition to the board requesting 6876
that a topic be included in a training or continuing education 6877
program for first responders, EMTs-basic, EMTs-I, or paramedics 6878
that is in addition to the topics specified in section 4765.16 6879
of the Revised Code. A person shall submit a petition to the 6880
board in a manner prescribed by the board. A petitioner shall 6881
not seek to add a broad category of topics. 6882

(B) Upon receipt of a petition, the board shall review it 6883
to determine whether to approve or deny the addition of the 6884
topic described in the petition. The board shall approve or deny 6885
a petition in accordance with rules adopted by the board under 6886
section 4765.11 of the Revised Code. 6887

(C) Upon approval of a topic, the board shall require the 6888
topic to be included in the training or continuing education 6889
programs and shall adopt rules as necessary, in accordance with 6890
section 4765.11 of the Revised Code, regarding the number of 6891

hours required for the topic. 6892

(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under this section is not subject to sections 121.95 to 121.953 of the Revised Code. 6893
6894
6895
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Sec. 5120.631. (A) As used in this section: 6897

(1) "Emergency" has the same meaning as in section 341.261 of the Revised Code. 6898
6899

(2) "Female" means of or denoting the sex that can bear offspring or produce eggs and has XX chromosomes, distinguished biologically by the production of gametes or ova that can be fertilized by male gametes. 6900
6901
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(3) "Feminine hygiene products" means tampons and sanitary napkins that are used for the menstrual cycle. 6904
6905

(4) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 6906
6907

(B) Each state correctional institution housing female inmates shall provide inmates experiencing a menstrual cycle with an adequate supply based on individualized need, in perpetuity and without reprimand, of feminine hygiene products in a variety of sizes at no cost to the inmates. 6908
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(C) Each state correctional institution housing female inmates shall have a written policy and procedure in place that does all of the following: 6913
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(1) Protects inmates from the denial of feminine hygiene products based on race, sex, income status, degree of charge, disability status, or any other type of discriminatory identity; 6916
6917
6918

(2) Establishes proper methods of storing, administering, 6919
and disposing of feminine hygiene products; 6920

(3) Establishes sanitary and safe procedures for hand 6921
washing and cleaning of surfaces between restrooms and the 6922
designated area for disposal bins. 6923

(D) Each state correctional institution housing female 6924
inmates shall provide a separate disposal container with a lid 6925
in a safe, designated area for use by inmates experiencing a 6926
menstrual cycle within the institution to dispose of used, 6927
soiled, or damaged feminine hygiene products. 6928

(E) No state correctional institution housing female 6929
inmates shall deny inmates access to feminine hygiene products. 6930

(F) Except when the state correctional institution is 6931
experiencing an emergency, each state correctional institution 6932
housing female inmates shall provide inmates experiencing 6933
menstruation a minimum of one shower per day with access to hot 6934
water for washing, regardless of whether the inmates are 6935
separated from the general population for disciplinary status. 6936

Sec. 5502.68. (A) There is hereby created in the state 6937
treasury the drug law enforcement fund. The fund consists of the 6938
following: 6939

(1) Ninety-seven per cent of three dollars and fifty cents 6940
out of each ten-dollar court cost imposed pursuant to section 6941
2949.094 of the Revised Code shall be credited to the fund. 6942

(2) Contributions required to be deposited in the fund 6943
under section 4503.261 of the Revised Code. 6944

Money in the fund shall be used only in accordance with 6945
this section to award grants to counties, municipal 6946

corporations, townships, township police districts, and joint 6947
police districts to defray the expenses that a drug task force 6948
organized in the county, or in the county in which the municipal 6949
corporation, township, or district is located, incurs in 6950
performing its functions related to the enforcement of the 6951
state's drug laws and other state laws related to illegal drug 6952
activity. 6953

The division of criminal justice services shall administer 6954
all money deposited into the drug law enforcement fund and, by 6955
rule adopted under Chapter 119. of the Revised Code, shall 6956
establish procedures for a county, municipal corporation, 6957
township, township police district, or joint police district to 6958
apply for money from the fund to defray the expenses that a drug 6959
task force organized in the county, or in the county in which 6960
the municipal corporation, township, or district is located, 6961
incurs in performing its functions related to the enforcement of 6962
the state's drug laws and other state laws related to illegal 6963
drug activity, procedures and criteria for determining 6964
eligibility of applicants to be provided money from the fund, 6965
and procedures and criteria for determining the amount of money 6966
to be provided out of the fund to eligible applicants. 6967

(B) The procedures and criteria established under division 6968
(A) of this section for applying for money from the fund shall 6969
include, but shall not be limited to, a provision requiring a 6970
county, municipal corporation, township, township police 6971
district, or joint police district that applies for money from 6972
the fund to specify in its application the amount of money 6973
desired from the fund, provided that the cumulative amount 6974
requested in all applications submitted for any single drug task 6975
force may not exceed more than two hundred fifty thousand 6976
dollars in any calendar year for that task force. 6977

(C) The procedures and criteria established under division 6978
(A) of this section for determining eligibility of applicants to 6979
be provided money from the fund and for determining the amount 6980
of money to be provided out of the fund to eligible applicants 6981
shall include, but not be limited to, all of the following: 6982

(1) Provisions requiring that, in order to be eligible to 6983
be provided money from the fund, a drug task force that applies 6984
for money from the fund must provide evidence that the drug task 6985
force will receive a local funding match of at least twenty-five 6986
per cent of the task force's projected operating costs in the 6987
period of time covered by the grant; 6988

(2) Provisions requiring that money from the fund be 6989
allocated and provided to drug task forces that apply for money 6990
from the fund in accordance with the following priorities: 6991

(a) Drug task forces that apply, that are in existence on 6992
the date of the application, and that are determined to be 6993
eligible applicants, and to which either of the following 6994
applies shall be given first priority to be provided money from 6995
the fund: 6996

(i) Drug task forces that received funding through the 6997
division of criminal justice services in calendar year 2007; 6998

(ii) Drug task forces in a county that has a population 6999
that exceeds seven hundred fifty thousand. 7000

(b) If any moneys remain in the fund after all drug task 7001
forces that apply, that are in existence on the date of the 7002
application, that are determined to be eligible applicants, and 7003
that satisfy the criteria set forth in division (C) (2) (a) (i) or 7004
(ii) of this section are provided money from the fund as 7005
described in division (C) (2) (a) of this section, the following 7006

categories of drug task forces that apply and that are 7007
determined to be eligible applicants shall be given priority to 7008
be provided money from the fund in the order in which they apply 7009
for money from the fund: 7010

(i) Drug task forces that are not in existence on the date 7011
of the application; 7012

(ii) Drug task forces that are in existence on the date of 7013
the application but that do not satisfy the criteria set forth 7014
in division (C) (2) (a) (i) or (ii) of this section. 7015

(D) The procedures and criteria established under division 7016
(A) of this section for determining the amount of money to be 7017
provided out of the fund to eligible applicants shall include, 7018
but shall not be limited to, a provision specifying that the 7019
cumulative amount provided to any single drug task force may not 7020
exceed more than two hundred fifty thousand dollars in any 7021
calendar year. 7022

(E) Any drug task force for which a grant is awarded by 7023
the division of criminal justice services under this section 7024
shall comply with all grant requirements established by the 7025
division, including a requirement that the drug task force 7026
report its activities through the El Paso intelligence center 7027
information technology systems. 7028

(F) As used in this section, "drug task force" means a 7029
drug task force organized in any county by the sheriff of the 7030
county, the prosecuting attorney of the county, the chief of 7031
police of the organized police department of any municipal 7032
corporation or township in the county, and the chief of police 7033
of the police force of any township police district or joint 7034
police district in the county to perform functions related to 7035

the enforcement of state drug laws and other state laws related 7036
to illegal drug activity. 7037

Section 2. That existing sections 109.804, 124.11, 124.30, 7038
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 7039
2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 7040
2925.36, 2925.37, 2935.26, 2935.27, 2937.40, 3123.54, 3123.56, 7041
3123.58, 3321.13, 3321.191, 4501.06, 4503.038, 4503.10, 7042
4503.102, 4503.12, 4503.19, 4503.20, 4503.39, 4507.212, 7043
4509.101, 4509.45, 4509.66, 4509.67, 4509.69, 4509.77, 4510.101, 7044
4510.111, 4510.16, 4510.17, 4511.62, 4511.63, 4511.64, and 7045
5502.68 of the Revised Code are hereby repealed. 7046

Section 3. That sections 2937.221 and 4510.32 of the 7047
Revised Code are hereby repealed. 7048

Section 4. (A) An offender who received a suspension of 7049
the offender's temporary instruction permit or driver's license 7050
or a denial of the opportunity to obtain a permit or license 7051
under section 4510.32 of the Revised Code, as it existed prior 7052
to the effective date of this section, may file a motion with 7053
the juvenile court in whose jurisdiction the offender resides 7054
requesting the termination of the suspension or denial. 7055

(B) Upon the filing of a motion under this section, the 7056
juvenile court, in its discretion, may order the registrar of 7057
motor vehicles to terminate the suspension or terminate the 7058
denial of the opportunity to obtain a permit or license. If so 7059
ordered, the registrar shall do all of the following: 7060

(1) Cancel the record created for the offender regarding 7061
the suspension or denial of the offender's opportunity to obtain 7062
a permit or license; 7063

(2) Terminate the suspension of the offender's permit or 7064

license or the denial of the offender's opportunity to obtain a 7065
permit or license; 7066

(3) Return the driver's license or permit to the offender 7067
or reissue the offender's license or permit under section 7068
4510.52 of the Revised Code, if the registrar destroyed the 7069
suspended license or permit under that section. 7070

Section 5. (A) Not later than thirty days after the 7071
effective date of this section, the Registrar of Motor Vehicles 7072
shall remove any remaining driver's license suspensions that 7073
were imposed as a result of the Financial Responsibility Random 7074
Verification Program. That Program was eliminated through H.B. 7075
62 of the 133rd General Assembly, effective July 3, 2019. The 7076
Registrar shall not charge any fees, including reinstatement 7077
fees, associated with the reinstatement of a driver's license 7078
that was suspended as a result of that Program. 7079

(B) (1) A person whose driver's license suspension is 7080
removed under division (A) of this section may have that 7081
person's driver's license reinstated at a deputy registrar 7082
office, provided that person's driver's license is not also 7083
suspended for any other offense. 7084

(2) If a person's driver's license is suspended for 7085
another offense, once the person's license is eligible for 7086
reinstatement, that person may apply for reinstatement and shall 7087
not be required to pay any fees, including reinstatement fees, 7088
associated with the Program. The person may still be required to 7089
pay reinstatement fees associated with the other offense for 7090
which the person's driver's license was suspended. 7091

(C) The Registrar shall notify any person impacted by this 7092
section of the terms of the removal of driver's license 7093

suspensions associated with the Financial Responsibility Random 7094
Verification Program and the process by which to reinstate the 7095
person's driver's license. 7096

Section 6. The General Assembly, applying the principle 7097
stated in division (B) of section 1.52 of the Revised Code that 7098
amendments are to be harmonized if reasonably capable of 7099
simultaneous operation, finds that the following sections, 7100
presented in this act as composites of the sections as amended 7101
by the acts indicated, are the resulting versions of the 7102
sections in effect prior to the effective date of the sections 7103
as presented in this act: 7104

Section 2925.04 of the Revised Code as amended by both 7105
S.B. 1 and S.B. 201 of the 132nd General Assembly. 7106

Section 2925.05 of the Revised Code as amended by both 7107
S.B. 1 and S.B. 201 of the 132nd General Assembly. 7108