

As Introduced

135th General Assembly

Regular Session

2023-2024

H. B. No. 37

Representatives Johnson, Miller, K.

Cosponsors: Representatives Merrin, Plummer, Hall, Stewart, Dean, Gross

A BILL

To amend sections 2903.06, 2929.142, and 4511.19 of
the Revised Code to increase the financial
penalties for OVI and to increase the financial
penalties and prison term for aggravated
vehicular homicide under specified
circumstances.

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

Section 1. That sections 2903.06, 2929.142, and 4511.19 of
the Revised Code be amended to read as follows:

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

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

(b) As the proximate result of committing a violation of
division (A) of section 1547.11 of the Revised Code or of a

substantially equivalent municipal ordinance;	19
(c) As the proximate result of committing a violation of	20
division (A) (3) of section 4561.15 of the Revised Code or of a	21
substantially equivalent municipal ordinance.	22
(2) In one of the following ways:	23
(a) Recklessly;	24
(b) As the proximate result of committing, while operating	25
or participating in the operation of a motor vehicle or	26
motorcycle in a construction zone, a reckless operation offense,	27
provided that this division applies only if the person whose	28
death is caused or whose pregnancy is unlawfully terminated is	29
in the construction zone at the time of the offender's	30
commission of the reckless operation offense in the construction	31
zone and does not apply as described in division (F) of this	32
section.	33
(3) In one of the following ways:	34
(a) Negligently;	35
(b) As the proximate result of committing, while operating	36
or participating in the operation of a motor vehicle or	37
motorcycle in a construction zone, a speeding offense, provided	38
that this division applies only if the person whose death is	39
caused or whose pregnancy is unlawfully terminated is in the	40
construction zone at the time of the offender's commission of	41
the speeding offense in the construction zone and does not apply	42
as described in division (F) of this section.	43
(4) As the proximate result of committing a violation of	44
any provision of any section contained in Title XLV of the	45
Revised Code that is a minor misdemeanor or of a municipal	46

ordinance that, regardless of the penalty set by ordinance for the violation, is substantially equivalent to any provision of any section contained in Title XLV of the Revised Code that is a minor misdemeanor.

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

(2) (a) Except as otherwise provided in division (B) (2) (b) or (c) of this section, aggravated vehicular homicide committed in violation of division (A) (1) of this section is a felony of the second degree and the court shall impose a mandatory prison term on the offender as described in division (E) of this section.

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

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

(ii) The offender previously has been convicted of or 76
pleaded guilty to a violation of division (A) (2), (3), or (4) of 77
this section. 78

(iii) The offender previously has been convicted of or 79
pleaded guilty to ~~any traffic-related homicide, manslaughter, or~~ 80
~~assault offense~~ a violation of division (A) (2) or (3) of section 81
2903.08 of the Revised Code. 82

(c) Aggravated vehicular homicide committed in violation 83
of division (A) (1) of this section is a felony of the first 84
degree, and the court shall sentence the offender to a mandatory 85
prison term as provided in section 2929.142 of the Revised Code 86
and described in division (E) of this section if any of the 87
following apply: 88

(i) The offender previously has been convicted of or 89
pleaded guilty to ~~three~~ one or more prior violations of section 90
4511.19 of the Revised Code or of a substantially equivalent 91
municipal ordinance within the previous ten years. 92

(ii) The offender previously has been convicted of or 93
pleaded guilty to ~~three~~ one or more prior violations of division 94
(A) of section 1547.11 of the Revised Code or of a substantially 95
equivalent municipal ordinance within the previous ten years. 96

(iii) The offender previously has been convicted of or 97
pleaded guilty to ~~three~~ one or more prior violations of division 98
(A) (3) of section 4561.15 of the Revised Code or of a 99
substantially equivalent municipal ordinance within the previous 100
ten years. 101

(iv) The offender previously has been convicted of or 102
pleaded guilty to ~~three~~ one or more prior violations of division 103
(A) (1) of this section ~~within the previous ten years.~~ 104

(v) The offender previously has been convicted of or 105
pleaded guilty to ~~three~~one or more prior violations of division 106
(A) (1) of section 2903.08 of the Revised Code ~~within the~~ 107
~~previous ten years.~~ 108

(vi) The offender previously has been convicted of or 109
pleaded guilty to ~~three~~one or more prior violations of section 110
2903.04 of the Revised Code ~~within the previous ten years in~~ 111
circumstances in which division (D) of that section applied 112
regarding the violations. 113

~~(vii) The offender previously has been convicted of or~~ 114
~~pleaded guilty to three or more violations of any combination of~~ 115
~~the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),~~ 116
~~(v), or (vi) of this section within the previous ten years.~~ 117

~~(viii)~~The offender previously has been convicted of or 118
pleaded guilty to a ~~second or subsequent~~prior felony violation 119
of division (A) of section 4511.19 of the Revised Code. 120

(d) In addition to any other sanctions imposed pursuant to 121
division (B) (2) (a), (b), or (c) of this section for aggravated 122
vehicular homicide committed in violation of division (A) (1) of 123
this section, the court shall impose upon the offender a class 124
one suspension of the offender's driver's license, commercial 125
driver's license, temporary instruction permit, probationary 126
license, or nonresident operating privilege as specified in 127
division (A) (1) of section 4510.02 of the Revised Code. 128

Divisions (A) (1) to (3) of section 4510.54 of the Revised 129
Code apply to a suspension imposed under division (B) (2) (d) of 130
this section. 131

(e) Notwithstanding section 2929.18 of the Revised Code, 132
and in addition to any other sanctions imposed pursuant to 133

division (B) (2) (a), (b), (c), or (d) of this section for 134
aggravated vehicular homicide committed in violation of division 135
(A) (1) of this section, the court shall impose upon the offender 136
a fine of not more than twenty-five thousand dollars. 137

(3) Except as otherwise provided in this division, 138
aggravated vehicular homicide committed in violation of division 139
(A) (2) of this section is a felony of the third degree. 140
Aggravated vehicular homicide committed in violation of division 141
(A) (2) of this section is a felony of the second degree if, at 142
the time of the offense, the offender was driving under a 143
suspension or cancellation imposed under Chapter 4510. or any 144
other provision of the Revised Code or was operating a motor 145
vehicle or motorcycle, did not have a valid driver's license, 146
commercial driver's license, temporary instruction permit, 147
probationary license, or nonresident operating privilege, and 148
was not eligible for renewal of the offender's driver's license 149
or commercial driver's license without examination under section 150
4507.10 of the Revised Code or if the offender previously has 151
been convicted of or pleaded guilty to a violation of this 152
section or any traffic-related homicide, manslaughter, or 153
assault offense. The court shall impose a mandatory prison term 154
on the offender when required by division (E) of this section. 155

In addition to any other sanctions imposed pursuant to 156
this division for a violation of division (A) (2) of this 157
section, the court shall impose upon the offender a class two 158
suspension of the offender's driver's license, commercial 159
driver's license, temporary instruction permit, probationary 160
license, or nonresident operating privilege from the range 161
specified in division (A) (2) of section 4510.02 of the Revised 162
Code or, if the offender previously has been convicted of or 163
pleaded guilty to a traffic-related murder, felonious assault, 164

or attempted murder offense, a class one suspension of the 165
offender's driver's license, commercial driver's license, 166
temporary instruction permit, probationary license, or 167
nonresident operating privilege as specified in division (A)(1) 168
of that section. 169

(C) Whoever violates division (A)(3) of this section is 170
guilty of vehicular homicide. Except as otherwise provided in 171
this division, vehicular homicide is a misdemeanor of the first 172
degree. Vehicular homicide committed in violation of division 173
(A)(3) of this section is a felony of the fourth degree if, at 174
the time of the offense, the offender was driving under a 175
suspension or cancellation imposed under Chapter 4510. or any 176
other provision of the Revised Code or was operating a motor 177
vehicle or motorcycle, did not have a valid driver's license, 178
commercial driver's license, temporary instruction permit, 179
probationary license, or nonresident operating privilege, and 180
was not eligible for renewal of the offender's driver's license 181
or commercial driver's license without examination under section 182
4507.10 of the Revised Code or if the offender previously has 183
been convicted of or pleaded guilty to a violation of this 184
section or any traffic-related homicide, manslaughter, or 185
assault offense. The court shall impose a mandatory jail term or 186
a mandatory prison term on the offender when required by 187
division (E) of this section. 188

In addition to any other sanctions imposed pursuant to 189
this division, the court shall impose upon the offender a class 190
four suspension of the offender's driver's license, commercial 191
driver's license, temporary instruction permit, probationary 192
license, or nonresident operating privilege from the range 193
specified in division (A)(4) of section 4510.02 of the Revised 194
Code, or, if the offender previously has been convicted of or 195

pleaded guilty to a violation of this section or any traffic- 196
related homicide, manslaughter, or assault offense, a class 197
three suspension of the offender's driver's license, commercial 198
driver's license, temporary instruction permit, probationary 199
license, or nonresident operating privilege from the range 200
specified in division (A)(3) of that section, or, if the 201
offender previously has been convicted of or pleaded guilty to a 202
traffic-related murder, felonious assault, or attempted murder 203
offense, a class two suspension of the offender's driver's 204
license, commercial driver's license, temporary instruction 205
permit, probationary license, or nonresident operating privilege 206
as specified in division (A)(2) of that section. 207

(D) Whoever violates division (A)(4) of this section is 208
guilty of vehicular manslaughter. Except as otherwise provided 209
in this division, vehicular manslaughter is a misdemeanor of the 210
second degree. Vehicular manslaughter is a misdemeanor of the 211
first degree if, at the time of the offense, the offender was 212
driving under a suspension or cancellation imposed under Chapter 213
4510. or any other provision of the Revised Code or was 214
operating a motor vehicle or motorcycle, did not have a valid 215
driver's license, commercial driver's license, temporary 216
instruction permit, probationary license, or nonresident 217
operating privilege, and was not eligible for renewal of the 218
offender's driver's license or commercial driver's license 219
without examination under section 4507.10 of the Revised Code or 220
if the offender previously has been convicted of or pleaded 221
guilty to a violation of this section or any traffic-related 222
homicide, manslaughter, or assault offense. 223

In addition to any other sanctions imposed pursuant to 224
this division, the court shall impose upon the offender a class 225
six suspension of the offender's driver's license, commercial 226

driver's license, temporary instruction permit, probationary 227
license, or nonresident operating privilege from the range 228
specified in division (A) (6) of section 4510.02 of the Revised 229
Code or, if the offender previously has been convicted of or 230
pleaded guilty to a violation of this section, any traffic- 231
related homicide, manslaughter, or assault offense, or a 232
traffic-related murder, felonious assault, or attempted murder 233
offense, a class four suspension of the offender's driver's 234
license, commercial driver's license, temporary instruction 235
permit, probationary license, or nonresident operating privilege 236
from the range specified in division (A) (4) of that section. 237

(E) (1) The court shall impose a mandatory prison term on 238
an offender who is convicted of or pleads guilty to a violation 239
of division (A) (1) of this section. Except as otherwise provided 240
in this division, the mandatory prison term shall be a definite 241
term from the range of prison terms provided in division (A) (1) 242
(b) of section 2929.14 of the Revised Code for a felony of the 243
first degree or from division (A) (2) (b) of that section for a 244
felony of the second degree, whichever is applicable, except 245
that if the violation is committed on or after ~~the effective~~ 246
~~date of this amendment~~ March 22, 2019, the court shall impose as 247
the minimum prison term for the offense a mandatory prison term 248
that is one of the minimum terms prescribed for a felony of the 249
first degree in division (A) (1) (a) of section 2929.14 of the 250
Revised Code or one of the terms prescribed for a felony of the 251
second degree in division (A) (2) (a) of that section, whichever 252
is applicable. If division (B) (2) (c) ~~(i), (ii), (iii), (iv), (v),~~ 253
~~(vi), (vii), or (viii)~~ of this section applies to an offender 254
who is convicted of or pleads guilty to the violation of 255
division (A) (1) of this section, the court shall impose the 256
mandatory prison term pursuant to division (B) of section 257

2929.142 of the Revised Code. The court shall impose a mandatory 258
jail term of at least fifteen days on an offender who is 259
convicted of or pleads guilty to a misdemeanor violation of 260
division (A) (3) (b) of this section and may impose upon the 261
offender a longer jail term as authorized pursuant to section 262
2929.24 of the Revised Code. 263

(2) The court shall impose a mandatory prison term on an 264
offender who is convicted of or pleads guilty to a violation of 265
division (A) (2) or (3) (a) of this section or a felony violation 266
of division (A) (3) (b) of this section if either division (E) (2) 267
(a) or (b) of this section applies. The mandatory prison term 268
shall be a definite term from the range of prison terms provided 269
in division (A) (3) (a) of section 2929.14 of the Revised Code for 270
a felony of the third degree or from division (A) (4) of that 271
section for a felony of the fourth degree, whichever is 272
applicable. The court shall impose a mandatory prison term on an 273
offender in a category described in this division if either of 274
the following applies: 275

(a) The offender previously has been convicted of or 276
pleaded guilty to a violation of this section or section 2903.08 277
of the Revised Code. 278

(b) At the time of the offense, the offender was driving 279
under suspension or cancellation under Chapter 4510. or any 280
other provision of the Revised Code or was operating a motor 281
vehicle or motorcycle, did not have a valid driver's license, 282
commercial driver's license, temporary instruction permit, 283
probationary license, or nonresident operating privilege, 284
was not eligible for renewal of the offender's driver's license 285
or commercial driver's license without examination under section 286
4507.10 of the Revised Code. 287

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 288
apply in a particular construction zone unless signs of the type 289
described in section 2903.081 of the Revised Code are erected in 290
that construction zone in accordance with the guidelines and 291
design specifications established by the director of 292
transportation under section 5501.27 of the Revised Code. The 293
failure to erect signs of the type described in section 2903.081 294
of the Revised Code in a particular construction zone in 295
accordance with those guidelines and design specifications does 296
not limit or affect the application of division (A) (1), (A) (2) 297
(a), (A) (3) (a), or (A) (4) of this section in that construction 298
zone or the prosecution of any person who violates any of those 299
divisions in that construction zone. 300

(G) (1) As used in this section: 301

(a) "Mandatory prison term" and "mandatory jail term" have 302
the same meanings as in section 2929.01 of the Revised Code. 303

(b) "Traffic-related homicide, manslaughter, or assault 304
offense" means a violation of section 2903.04 of the Revised 305
Code in circumstances in which division (D) of that section 306
applies, a violation of section 2903.06 or 2903.08 of the 307
Revised Code, or a violation of section 2903.06, 2903.07, or 308
2903.08 of the Revised Code as they existed prior to March 23, 309
2000. 310

(c) "Construction zone" has the same meaning as in section 311
5501.27 of the Revised Code. 312

(d) "Reckless operation offense" means a violation of 313
section 4511.20 of the Revised Code or a municipal ordinance 314
substantially equivalent to section 4511.20 of the Revised Code. 315

(e) "Speeding offense" means a violation of section 316

4511.21 of the Revised Code or a municipal ordinance pertaining 317
to speed. 318

(f) "Traffic-related murder, felonious assault, or 319
attempted murder offense" means a violation of section 2903.01 320
or 2903.02 of the Revised Code in circumstances in which the 321
offender used a motor vehicle as the means to commit the 322
violation, a violation of division (A) (2) of section 2903.11 of 323
the Revised Code in circumstances in which the deadly weapon 324
used in the commission of the violation is a motor vehicle, or 325
an attempt to commit aggravated murder or murder in violation of 326
section 2923.02 of the Revised Code in circumstances in which 327
the offender used a motor vehicle as the means to attempt to 328
commit the aggravated murder or murder. 329

(g) "Motor vehicle" has the same meaning as in section 330
4501.01 of the Revised Code. 331

(2) For the purposes of this section, when a penalty or 332
suspension is enhanced because of a prior or current violation 333
of a specified law or a prior or current specified offense, the 334
reference to the violation of the specified law or the specified 335
offense includes any violation of any substantially equivalent 336
municipal ordinance, former law of this state, or current or 337
former law of another state or the United States. 338

Sec. 2929.142. (A) Notwithstanding the definite prison 339
terms and minimum prison terms specified in divisions (A) (1) (a) 340
and (b) of section 2929.14 of the Revised Code for a felony of 341
the first degree, if an offender is convicted of or pleads 342
guilty to aggravated vehicular homicide in violation of division 343
(A) (1) of section 2903.06 of the Revised Code and division (B) 344
(2) (c) of that section applies, the court shall impose upon the 345
offender a mandatory prison term of ten, eleven, twelve, 346

thirteen, fourteen, ~~or fifteen, sixteen, seventeen, eighteen,~~ 347
~~nineteen, or twenty~~ years, determined as specified in division 348
(B) of this section, ~~if any of the following apply:~~ 349

~~(1) The offender previously has been convicted of or~~ 350
~~pleaded guilty to three or more prior violations of section~~ 351
~~4511.19 of the Revised Code or of a substantially equivalent~~ 352
~~municipal ordinance within the previous ten years.~~ 353

~~(2) The offender previously has been convicted of or~~ 354
~~pleaded guilty to three or more prior violations of division (A)~~ 355
~~of section 1547.11 of the Revised Code or of a substantially~~ 356
~~equivalent municipal ordinance within the previous ten years.~~ 357

~~(3) The offender previously has been convicted of or~~ 358
~~pleaded guilty to three or more prior violations of division (A)~~ 359
~~(3) of section 4561.15 of the Revised Code or of a substantially~~ 360
~~equivalent municipal ordinance within the previous ten years.~~ 361

~~(4) The offender previously has been convicted of or~~ 362
~~pleaded guilty to three or more prior violations of division (A)~~ 363
~~(1) of section 2903.06 of the Revised Code.~~ 364

~~(5) The offender previously has been convicted of or~~ 365
~~pleaded guilty to three or more prior violations of division (A)~~ 366
~~(1) of section 2903.08 of the Revised Code.~~ 367

~~(6) The offender previously has been convicted of or~~ 368
~~pleaded guilty to three or more prior violations of section~~ 369
~~2903.04 of the Revised Code in circumstances in which division~~ 370
~~(D) of that section applied regarding the violations.~~ 371

~~(7) The offender previously has been convicted of or~~ 372
~~pleaded guilty to three or more violations of any combination of~~ 373
~~the offenses listed in division (A) (1), (2), (3), (4), (5), or~~ 374
~~(6) of this section.~~ 375

~~(8) The offender previously has been convicted of or
pleaded guilty to a second or subsequent felony violation of
division (A) of section 4511.19 of the Revised Code.~~ 376
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(B) The mandatory prison term required under division (A)
of this section shall be as follows: 379
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(1) If the aggravated vehicular homicide is committed
prior to March 22, 2019, the court shall impose a definite term
of ten, eleven, twelve, thirteen, fourteen, or fifteen years,
~~except that if .~~ 381
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(2) If the aggravated vehicular homicide is committed on
or after the effective date of this amendment March 22, 2019,
but before the effective date of this amendment, the court shall
impose as the minimum prison term for the offense under division
(A) (1) (a) of section 2929.14 of the Revised Code a mandatory
prison term that is ten, eleven, twelve, thirteen, fourteen, or
fifteen years. 385
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(3) If the aggravated vehicular homicide is committed on
or after the effective date of this amendment, the court shall
impose as the minimum prison term for the offense under division
(A) (1) (a) of section 2929.14 of the Revised Code a mandatory
prison term that is fifteen, sixteen, seventeen, eighteen,
nineteen, or twenty years. 392
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Sec. 4511.19. (A) (1) No person shall operate any vehicle,
streetcar, or trackless trolley within this state, if, at the
time of the operation, any of the following apply: 398
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(a) The person is under the influence of alcohol, a drug
of abuse, or a combination of them. 401
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(b) The person has a concentration of eight-hundredths of
one per cent or more but less than seventeen-hundredths of one 403
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per cent by weight per unit volume of alcohol in the person's whole blood. 405
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(c) The person has a concentration of ninety-six-thousandths of one per cent or more but less than two hundred four-thousandths of one per cent by weight per unit volume of alcohol in the person's blood serum or plasma. 407
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(d) The person has a concentration of eight-hundredths of one gram or more but less than seventeen-hundredths of one gram by weight of alcohol per two hundred ten liters of the person's breath. 411
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(e) The person has a concentration of eleven-hundredths of one gram or more but less than two hundred thirty-eight-thousandths of one gram by weight of alcohol per one hundred milliliters of the person's urine. 415
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(f) The person has a concentration of seventeen-hundredths of one per cent or more by weight per unit volume of alcohol in the person's whole blood. 419
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(g) The person has a concentration of two hundred four-thousandths of one per cent or more by weight per unit volume of alcohol in the person's blood serum or plasma. 422
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(h) The person has a concentration of seventeen-hundredths of one gram or more by weight of alcohol per two hundred ten liters of the person's breath. 425
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(i) The person has a concentration of two hundred thirty-eight-thousandths of one gram or more by weight of alcohol per one hundred milliliters of the person's urine. 428
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(j) Except as provided in division (K) of this section, the person has a concentration of any of the following 431
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controlled substances or metabolites of a controlled substance 433
in the person's whole blood, blood serum or plasma, or urine 434
that equals or exceeds any of the following: 435

(i) The person has a concentration of amphetamine in the 436
person's urine of at least five hundred nanograms of amphetamine 437
per milliliter of the person's urine or has a concentration of 438
amphetamine in the person's whole blood or blood serum or plasma 439
of at least one hundred nanograms of amphetamine per milliliter 440
of the person's whole blood or blood serum or plasma. 441

(ii) The person has a concentration of cocaine in the 442
person's urine of at least one hundred fifty nanograms of 443
cocaine per milliliter of the person's urine or has a 444
concentration of cocaine in the person's whole blood or blood 445
serum or plasma of at least fifty nanograms of cocaine per 446
milliliter of the person's whole blood or blood serum or plasma. 447

(iii) The person has a concentration of cocaine metabolite 448
in the person's urine of at least one hundred fifty nanograms of 449
cocaine metabolite per milliliter of the person's urine or has a 450
concentration of cocaine metabolite in the person's whole blood 451
or blood serum or plasma of at least fifty nanograms of cocaine 452
metabolite per milliliter of the person's whole blood or blood 453
serum or plasma. 454

(iv) The person has a concentration of heroin in the 455
person's urine of at least two thousand nanograms of heroin per 456
milliliter of the person's urine or has a concentration of 457
heroin in the person's whole blood or blood serum or plasma of 458
at least fifty nanograms of heroin per milliliter of the 459
person's whole blood or blood serum or plasma. 460

(v) The person has a concentration of heroin metabolite 461

(6-monoacetyl morphine) in the person's urine of at least ten 462
nanograms of heroin metabolite (6-monoacetyl morphine) per 463
milliliter of the person's urine or has a concentration of 464
heroin metabolite (6-monoacetyl morphine) in the person's whole 465
blood or blood serum or plasma of at least ten nanograms of 466
heroin metabolite (6-monoacetyl morphine) per milliliter of the 467
person's whole blood or blood serum or plasma. 468

(vi) The person has a concentration of L.S.D. in the 469
person's urine of at least twenty-five nanograms of L.S.D. per 470
milliliter of the person's urine or a concentration of L.S.D. in 471
the person's whole blood or blood serum or plasma of at least 472
ten nanograms of L.S.D. per milliliter of the person's whole 473
blood or blood serum or plasma. 474

(vii) The person has a concentration of marihuana in the 475
person's urine of at least ten nanograms of marihuana per 476
milliliter of the person's urine or has a concentration of 477
marihuana in the person's whole blood or blood serum or plasma 478
of at least two nanograms of marihuana per milliliter of the 479
person's whole blood or blood serum or plasma. 480

(viii) Either of the following applies: 481

(I) The person is under the influence of alcohol, a drug 482
of abuse, or a combination of them, and the person has a 483
concentration of marihuana metabolite in the person's urine of 484
at least fifteen nanograms of marihuana metabolite per 485
milliliter of the person's urine or has a concentration of 486
marihuana metabolite in the person's whole blood or blood serum 487
or plasma of at least five nanograms of marihuana metabolite per 488
milliliter of the person's whole blood or blood serum or plasma. 489

(II) The person has a concentration of marihuana 490

metabolite in the person's urine of at least thirty-five 491
nanograms of marihuana metabolite per milliliter of the person's 492
urine or has a concentration of marihuana metabolite in the 493
person's whole blood or blood serum or plasma of at least fifty 494
nanograms of marihuana metabolite per milliliter of the person's 495
whole blood or blood serum or plasma. 496

(ix) The person has a concentration of methamphetamine in 497
the person's urine of at least five hundred nanograms of 498
methamphetamine per milliliter of the person's urine or has a 499
concentration of methamphetamine in the person's whole blood or 500
blood serum or plasma of at least one hundred nanograms of 501
methamphetamine per milliliter of the person's whole blood or 502
blood serum or plasma. 503

(x) The person has a concentration of phencyclidine in the 504
person's urine of at least twenty-five nanograms of 505
phencyclidine per milliliter of the person's urine or has a 506
concentration of phencyclidine in the person's whole blood or 507
blood serum or plasma of at least ten nanograms of phencyclidine 508
per milliliter of the person's whole blood or blood serum or 509
plasma. 510

(xi) The state board of pharmacy has adopted a rule 511
pursuant to section 4729.041 of the Revised Code that specifies 512
the amount of salvia divinorum and the amount of salvinorin A 513
that constitute concentrations of salvia divinorum and 514
salvinorin A in a person's urine, in a person's whole blood, or 515
in a person's blood serum or plasma at or above which the person 516
is impaired for purposes of operating any vehicle, streetcar, or 517
trackless trolley within this state, the rule is in effect, and 518
the person has a concentration of salvia divinorum or salvinorin 519
A of at least that amount so specified by rule in the person's 520

urine, in the person's whole blood, or in the person's blood 521
serum or plasma. 522

(2) No person who, within twenty years of the conduct 523
described in division (A)(2)(a) of this section, previously has 524
been convicted of or pleaded guilty to a violation of this 525
division, a violation of division (A)(1) or (B) of this section, 526
or any other equivalent offense shall do both of the following: 527

(a) Operate any vehicle, streetcar, or trackless trolley 528
within this state while under the influence of alcohol, a drug 529
of abuse, or a combination of them; 530

(b) Subsequent to being arrested for operating the 531
vehicle, streetcar, or trackless trolley as described in 532
division (A)(2)(a) of this section, being asked by a law 533
enforcement officer to submit to a chemical test or tests under 534
section 4511.191 of the Revised Code, and being advised by the 535
officer in accordance with section 4511.192 of the Revised Code 536
of the consequences of the person's refusal or submission to the 537
test or tests, refuse to submit to the test or tests. 538

(B) No person under twenty-one years of age shall operate 539
any vehicle, streetcar, or trackless trolley within this state, 540
if, at the time of the operation, any of the following apply: 541

(1) The person has a concentration of at least two- 542
hundredths of one per cent but less than eight-hundredths of one 543
per cent by weight per unit volume of alcohol in the person's 544
whole blood. 545

(2) The person has a concentration of at least three- 546
hundredths of one per cent but less than ninety-six-thousandths 547
of one per cent by weight per unit volume of alcohol in the 548
person's blood serum or plasma. 549

(3) The person has a concentration of at least two- 550
hundredths of one gram but less than eight-hundredths of one 551
gram by weight of alcohol per two hundred ten liters of the 552
person's breath. 553

(4) The person has a concentration of at least twenty- 554
eight one-thousandths of one gram but less than eleven- 555
hundredths of one gram by weight of alcohol per one hundred 556
milliliters of the person's urine. 557

(C) In any proceeding arising out of one incident, a 558
person may be charged with a violation of division (A) (1) (a) or 559
(A) (2) and a violation of division (B) (1), (2), or (3) of this 560
section, but the person may not be convicted of more than one 561
violation of these divisions. 562

(D) (1) (a) In any criminal prosecution or juvenile court 563
proceeding for a violation of division (A) (1) (a) of this section 564
or for an equivalent offense that is vehicle-related, the result 565
of any test of any blood or urine withdrawn and analyzed at any 566
health care provider, as defined in section 2317.02 of the 567
Revised Code, may be admitted with expert testimony to be 568
considered with any other relevant and competent evidence in 569
determining the guilt or innocence of the defendant. 570

(b) In any criminal prosecution or juvenile court 571
proceeding for a violation of division (A) or (B) of this 572
section or for an equivalent offense that is vehicle-related, 573
the court may admit evidence on the concentration of alcohol, 574
drugs of abuse, controlled substances, metabolites of a 575
controlled substance, or a combination of them in the 576
defendant's whole blood, blood serum or plasma, breath, urine, 577
or other bodily substance at the time of the alleged violation 578
as shown by chemical analysis of the substance withdrawn within 579

three hours of the time of the alleged violation. The three-hour 580
time limit specified in this division regarding the admission of 581
evidence does not extend or affect the two-hour time limit 582
specified in division (A) of section 4511.192 of the Revised 583
Code as the maximum period of time during which a person may 584
consent to a chemical test or tests as described in that 585
section. The court may admit evidence on the concentration of 586
alcohol, drugs of abuse, or a combination of them as described 587
in this division when a person submits to a blood, breath, 588
urine, or other bodily substance test at the request of a law 589
enforcement officer under section 4511.191 of the Revised Code 590
or a blood or urine sample is obtained pursuant to a search 591
warrant. Only a physician, a registered nurse, an emergency 592
medical technician-intermediate, an emergency medical 593
technician-paramedic, or a qualified technician, chemist, or 594
phlebotomist shall withdraw a blood sample for the purpose of 595
determining the alcohol, drug, controlled substance, metabolite 596
of a controlled substance, or combination content of the whole 597
blood, blood serum, or blood plasma. This limitation does not 598
apply to the taking of breath or urine specimens. A person 599
authorized to withdraw blood under this division may refuse to 600
withdraw blood under this division, if in that person's opinion, 601
the physical welfare of the person would be endangered by the 602
withdrawing of blood. 603

The bodily substance withdrawn under division (D) (1) (b) of 604
this section shall be analyzed in accordance with methods 605
approved by the director of health by an individual possessing a 606
valid permit issued by the director pursuant to section 3701.143 607
of the Revised Code. 608

(c) As used in division (D) (1) (b) of this section, 609
"emergency medical technician-intermediate" and "emergency 610

medical technician-paramedic" have the same meanings as in 611
section 4765.01 of the Revised Code. 612

(2) In a criminal prosecution or juvenile court proceeding 613
for a violation of division (A) of this section or for an 614
equivalent offense that is vehicle-related, if there was at the 615
time the bodily substance was withdrawn a concentration of less 616
than the applicable concentration of alcohol specified in 617
divisions (A) (1) (b), (c), (d), and (e) of this section or less 618
than the applicable concentration of a listed controlled 619
substance or a listed metabolite of a controlled substance 620
specified for a violation of division (A) (1) (j) of this section, 621
that fact may be considered with other competent evidence in 622
determining the guilt or innocence of the defendant. This 623
division does not limit or affect a criminal prosecution or 624
juvenile court proceeding for a violation of division (B) of 625
this section or for an equivalent offense that is substantially 626
equivalent to that division. 627

(3) Upon the request of the person who was tested, the 628
results of the chemical test shall be made available to the 629
person or the person's attorney, immediately upon the completion 630
of the chemical test analysis. 631

If the chemical test was obtained pursuant to division (D) 632
(1) (b) of this section, the person tested may have a physician, 633
a registered nurse, or a qualified technician, chemist, or 634
phlebotomist of the person's own choosing administer a chemical 635
test or tests, at the person's expense, in addition to any 636
administered at the request of a law enforcement officer. If the 637
person was under arrest as described in division (A) (5) of 638
section 4511.191 of the Revised Code, the arresting officer 639
shall advise the person at the time of the arrest that the 640

person may have an independent chemical test taken at the 641
person's own expense. If the person was under arrest other than 642
described in division (A) (5) of section 4511.191 of the Revised 643
Code, the form to be read to the person to be tested, as 644
required under section 4511.192 of the Revised Code, shall state 645
that the person may have an independent test performed at the 646
person's expense. The failure or inability to obtain an 647
additional chemical test by a person shall not preclude the 648
admission of evidence relating to the chemical test or tests 649
taken at the request of a law enforcement officer. 650

(4) (a) As used in divisions (D) (4) (b) and (c) of this 651
section, "national highway traffic safety administration" means 652
the national highway traffic safety administration established 653
as an administration of the United States department of 654
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 655

(b) In any criminal prosecution or juvenile court 656
proceeding for a violation of division (A) or (B) of this 657
section, of a municipal ordinance relating to operating a 658
vehicle while under the influence of alcohol, a drug of abuse, 659
or alcohol and a drug of abuse, or of a municipal ordinance 660
relating to operating a vehicle with a prohibited concentration 661
of alcohol, a controlled substance, or a metabolite of a 662
controlled substance in the whole blood, blood serum or plasma, 663
breath, or urine, if a law enforcement officer has administered 664
a field sobriety test to the operator of the vehicle involved in 665
the violation and if it is shown by clear and convincing 666
evidence that the officer administered the test in substantial 667
compliance with the testing standards for any reliable, 668
credible, and generally accepted field sobriety tests that were 669
in effect at the time the tests were administered, including, 670
but not limited to, any testing standards then in effect that 671

were set by the national highway traffic safety administration, 672
all of the following apply: 673

(i) The officer may testify concerning the results of the 674
field sobriety test so administered. 675

(ii) The prosecution may introduce the results of the 676
field sobriety test so administered as evidence in any 677
proceedings in the criminal prosecution or juvenile court 678
proceeding. 679

(iii) If testimony is presented or evidence is introduced 680
under division (D) (4) (b) (i) or (ii) of this section and if the 681
testimony or evidence is admissible under the Rules of Evidence, 682
the court shall admit the testimony or evidence and the trier of 683
fact shall give it whatever weight the trier of fact considers 684
to be appropriate. 685

(c) Division (D) (4) (b) of this section does not limit or 686
preclude a court, in its determination of whether the arrest of 687
a person was supported by probable cause or its determination of 688
any other matter in a criminal prosecution or juvenile court 689
proceeding of a type described in that division, from 690
considering evidence or testimony that is not otherwise 691
disallowed by division (D) (4) (b) of this section. 692

(E) (1) Subject to division (E) (3) of this section, in any 693
criminal prosecution or juvenile court proceeding for a 694
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 695
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 696
an equivalent offense that is substantially equivalent to any of 697
those divisions, a laboratory report from any laboratory 698
personnel issued a permit by the department of health 699
authorizing an analysis as described in this division that 700

contains an analysis of the whole blood, blood serum or plasma, 701
breath, urine, or other bodily substance tested and that 702
contains all of the information specified in this division shall 703
be admitted as prima-facie evidence of the information and 704
statements that the report contains. The laboratory report shall 705
contain all of the following: 706

(a) The signature, under oath, of any person who performed 707
the analysis; 708

(b) Any findings as to the identity and quantity of 709
alcohol, a drug of abuse, a controlled substance, a metabolite 710
of a controlled substance, or a combination of them that was 711
found; 712

(c) A copy of a notarized statement by the laboratory 713
director or a designee of the director that contains the name of 714
each certified analyst or test performer involved with the 715
report, the analyst's or test performer's employment 716
relationship with the laboratory that issued the report, and a 717
notation that performing an analysis of the type involved is 718
part of the analyst's or test performer's regular duties; 719

(d) An outline of the analyst's or test performer's 720
education, training, and experience in performing the type of 721
analysis involved and a certification that the laboratory 722
satisfies appropriate quality control standards in general and, 723
in this particular analysis, under rules of the department of 724
health. 725

(2) Notwithstanding any other provision of law regarding 726
the admission of evidence, a report of the type described in 727
division (E)(1) of this section is not admissible against the 728
defendant to whom it pertains in any proceeding, other than a 729

preliminary hearing or a grand jury proceeding, unless the 730
prosecutor has served a copy of the report on the defendant's 731
attorney or, if the defendant has no attorney, on the defendant. 732

(3) A report of the type described in division (E)(1) of 733
this section shall not be prima-facie evidence of the contents, 734
identity, or amount of any substance if, within seven days after 735
the defendant to whom the report pertains or the defendant's 736
attorney receives a copy of the report, the defendant or the 737
defendant's attorney demands the testimony of the person who 738
signed the report. The judge in the case may extend the seven- 739
day time limit in the interest of justice. 740

(F) Except as otherwise provided in this division, any 741
physician, registered nurse, emergency medical technician- 742
intermediate, emergency medical technician-paramedic, or 743
qualified technician, chemist, or phlebotomist who withdraws 744
blood from a person pursuant to this section or section 4511.191 745
or 4511.192 of the Revised Code, and any hospital, first-aid 746
station, or clinic at which blood is withdrawn from a person 747
pursuant to this section or section 4511.191 or 4511.192 of the 748
Revised Code, is immune from criminal liability and civil 749
liability based upon a claim of assault and battery or any other 750
claim that is not a claim of malpractice, for any act performed 751
in withdrawing blood from the person. The immunity provided in 752
this division also extends to an emergency medical service 753
organization that employs an emergency medical technician- 754
intermediate or emergency medical technician-paramedic who 755
withdraws blood under this section. The immunity provided in 756
this division is not available to a person who withdraws blood 757
if the person engages in willful or wanton misconduct. 758

As used in this division, "emergency medical technician- 759

intermediate" and "emergency medical technician-paramedic" have 760
the same meanings as in section 4765.01 of the Revised Code. 761

(G) (1) Whoever violates any provision of divisions (A) (1) 762
(a) to (i) or (A) (2) of this section is guilty of operating a 763
vehicle under the influence of alcohol, a drug of abuse, or a 764
combination of them. Whoever violates division (A) (1) (j) of this 765
section is guilty of operating a vehicle while under the 766
influence of a listed controlled substance or a listed 767
metabolite of a controlled substance. The court shall sentence 768
the offender for either offense under Chapter 2929. of the 769
Revised Code, except as otherwise authorized or required by 770
divisions (G) (1) (a) to (e) of this section: 771

(a) Except as otherwise provided in division (G) (1) (b), 772
(c), (d), or (e) of this section, the offender is guilty of a 773
misdemeanor of the first degree, and the court shall sentence 774
the offender to all of the following: 775

(i) If the sentence is being imposed for a violation of 776
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 777
a mandatory jail term of three consecutive days. As used in this 778
division, three consecutive days means seventy-two consecutive 779
hours. The court may sentence an offender to both an 780
intervention program and a jail term. The court may impose a 781
jail term in addition to the three-day mandatory jail term or 782
intervention program. However, in no case shall the cumulative 783
jail term imposed for the offense exceed six months. 784

The court may suspend the execution of the three-day jail 785
term under this division if the court, in lieu of that suspended 786
term, places the offender under a community control sanction 787
pursuant to section 2929.25 of the Revised Code and requires the 788
offender to attend, for three consecutive days, a drivers' 789

intervention program certified under section 5119.38 of the Revised Code. The court also may suspend the execution of any part of the three-day jail term under this division if it places the offender under a community control sanction pursuant to section 2929.25 of the Revised Code for part of the three days, requires the offender to attend for the suspended part of the term a drivers' intervention program so certified, and sentences the offender to a jail term equal to the remainder of the three consecutive days that the offender does not spend attending the program. The court may require the offender, as a condition of community control and in addition to the required attendance at a drivers' intervention program, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 5119. of the Revised Code by the director of mental health and addiction services that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose on the offender any other conditions of community control that it considers necessary.

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

(ii) If the sentence is being imposed for a violation of division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this section, except as otherwise provided in this division, a

mandatory jail term of at least three consecutive days and a 821
requirement that the offender attend, for three consecutive 822
days, a drivers' intervention program that is certified pursuant 823
to section 5119.38 of the Revised Code. As used in this 824
division, three consecutive days means seventy-two consecutive 825
hours. If the court determines that the offender is not 826
conducive to treatment in a drivers' intervention program, if 827
the offender refuses to attend a drivers' intervention program, 828
or if the jail at which the offender is to serve the jail term 829
imposed can provide a driver's intervention program, the court 830
shall sentence the offender to a mandatory jail term of at least 831
six consecutive days. 832

If the court grants unlimited driving privileges to a 833
first-time offender under section 4510.022 of the Revised Code, 834
all penalties imposed upon the offender by the court under 835
division (G)(1)(a)(ii) of this section for the offense apply, 836
except that the court shall suspend any mandatory or additional 837
jail term imposed by the court under division (G)(1)(a)(ii) of 838
this section upon granting unlimited driving privileges in 839
accordance with section 4510.022 of the Revised Code. 840

The court may require the offender, under a community 841
control sanction imposed under section 2929.25 of the Revised 842
Code, to attend and satisfactorily complete any treatment or 843
education programs that comply with the minimum standards 844
adopted pursuant to Chapter 5119. of the Revised Code by the 845
director of mental health and addiction services, in addition to 846
the required attendance at drivers' intervention program, that 847
the operators of the drivers' intervention program determine 848
that the offender should attend and to report periodically to 849
the court on the offender's progress in the programs. The court 850
also may impose any other conditions of community control on the 851

offender that it considers necessary. 852

(iii) In all cases, a fine of not less than ~~three~~ seven 853
hundred ~~seventy-five~~ fifty and not more than one thousand 854
~~seventy-five~~ two hundred fifty dollars; 855

(iv) In all cases, a suspension of the offender's driver's 856
or commercial driver's license or permit or nonresident 857
operating privilege for a definite period of one to three years. 858
The court may grant limited driving privileges relative to the 859
suspension under sections 4510.021 and 4510.13 of the Revised 860
Code. The court may grant unlimited driving privileges with an 861
ignition interlock device relative to the suspension and may 862
reduce the period of suspension as authorized under section 863
4510.022 of the Revised Code. 864

(b) Except as otherwise provided in division (G)(1)(e) of 865
this section, an offender who, within ten years of the offense, 866
previously has been convicted of or pleaded guilty to one 867
violation of division (A) or (B) of this section or one other 868
equivalent offense is guilty of a misdemeanor of the first 869
degree. The court shall sentence the offender to all of the 870
following: 871

(i) If the sentence is being imposed for a violation of 872
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 873
a mandatory jail term of ten consecutive days. The court shall 874
impose the ten-day mandatory jail term under this division 875
unless, subject to division (G)(3) of this section, it instead 876
imposes a sentence under that division consisting of both a jail 877
term and a term of house arrest with electronic monitoring, with 878
continuous alcohol monitoring, or with both electronic 879
monitoring and continuous alcohol monitoring. The court may 880
impose a jail term in addition to the ten-day mandatory jail 881

term. The cumulative jail term imposed for the offense shall not 882
exceed six months. 883

In addition to the jail term or the term of house arrest 884
with electronic monitoring or continuous alcohol monitoring or 885
both types of monitoring and jail term, the court shall require 886
the offender to be assessed by a community addiction services 887
provider that is authorized by section 5119.21 of the Revised 888
Code, subject to division (I) of this section, and shall order 889
the offender to follow the treatment recommendations of the 890
services provider. The purpose of the assessment is to determine 891
the degree of the offender's alcohol usage and to determine 892
whether or not treatment is warranted. Upon the request of the 893
court, the services provider shall submit the results of the 894
assessment to the court, including all treatment recommendations 895
and clinical diagnoses related to alcohol use. 896

(ii) If the sentence is being imposed for a violation of 897
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 898
section, except as otherwise provided in this division, a 899
mandatory jail term of twenty consecutive days. The court shall 900
impose the twenty-day mandatory jail term under this division 901
unless, subject to division (G)(3) of this section, it instead 902
imposes a sentence under that division consisting of both a jail 903
term and a term of house arrest with electronic monitoring, with 904
continuous alcohol monitoring, or with both electronic 905
monitoring and continuous alcohol monitoring. The court may 906
impose a jail term in addition to the twenty-day mandatory jail 907
term. The cumulative jail term imposed for the offense shall not 908
exceed six months. 909

In addition to the jail term or the term of house arrest 910
with electronic monitoring or continuous alcohol monitoring or 911

both types of monitoring and jail term, the court shall require 912
the offender to be assessed by a community addiction service 913
provider that is authorized by section 5119.21 of the Revised 914
Code, subject to division (I) of this section, and shall order 915
the offender to follow the treatment recommendations of the 916
services provider. The purpose of the assessment is to determine 917
the degree of the offender's alcohol usage and to determine 918
whether or not treatment is warranted. Upon the request of the 919
court, the services provider shall submit the results of the 920
assessment to the court, including all treatment recommendations 921
and clinical diagnoses related to alcohol use. 922

(iii) In all cases, notwithstanding the fines set forth in 923
Chapter 2929. of the Revised Code, a fine of not less than ~~five-~~ 924
~~one thousand two hundred twenty-five~~ and not more than ~~one-two~~ 925
thousand ~~six hundred twenty-five~~ dollars; 926

(iv) In all cases, a suspension of the offender's driver's 927
license, commercial driver's license, temporary instruction 928
permit, probationary license, or nonresident operating privilege 929
for a definite period of one to seven years. The court may grant 930
limited driving privileges relative to the suspension under 931
sections 4510.021 and 4510.13 of the Revised Code. 932

(v) In all cases, if the vehicle is registered in the 933
offender's name, immobilization of the vehicle involved in the 934
offense for ninety days in accordance with section 4503.233 of 935
the Revised Code and impoundment of the license plates of that 936
vehicle for ninety days. 937

(c) Except as otherwise provided in division (G) (1) (e) of 938
this section, an offender who, within ten years of the offense, 939
previously has been convicted of or pleaded guilty to two 940
violations of division (A) or (B) of this section or other 941

equivalent offenses is guilty of a misdemeanor. The court shall 942
sentence the offender to all of the following: 943

(i) If the sentence is being imposed for a violation of 944
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 945
a mandatory jail term of thirty consecutive days. The court 946
shall impose the thirty-day mandatory jail term under this 947
division unless, subject to division (G)(3) of this section, it 948
instead imposes a sentence under that division consisting of 949
both a jail term and a term of house arrest with electronic 950
monitoring, with continuous alcohol monitoring, or with both 951
electronic monitoring and continuous alcohol monitoring. The 952
court may impose a jail term in addition to the thirty-day 953
mandatory jail term. Notwithstanding the jail terms set forth in 954
sections 2929.21 to 2929.28 of the Revised Code, the additional 955
jail term shall not exceed one year, and the cumulative jail 956
term imposed for the offense shall not exceed one year. 957

(ii) If the sentence is being imposed for a violation of 958
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 959
section, a mandatory jail term of sixty consecutive days. The 960
court shall impose the sixty-day mandatory jail term under this 961
division unless, subject to division (G)(3) of this section, it 962
instead imposes a sentence under that division consisting of 963
both a jail term and a term of house arrest with electronic 964
monitoring, with continuous alcohol monitoring, or with both 965
electronic monitoring and continuous alcohol monitoring. The 966
court may impose a jail term in addition to the sixty-day 967
mandatory jail term. Notwithstanding the jail terms set forth in 968
sections 2929.21 to 2929.28 of the Revised Code, the additional 969
jail term shall not exceed one year, and the cumulative jail 970
term imposed for the offense shall not exceed one year. 971

(iii) In all cases, notwithstanding the fines set forth in 972
Chapter 2929. of the Revised Code, a fine of not less than ~~eight-~~ 973
~~hundred fifty two thousand~~ and not more than two thousand seven 974
hundred fifty dollars; 975

(iv) In all cases, a suspension of the offender's driver's 976
license, commercial driver's license, temporary instruction 977
permit, probationary license, or nonresident operating privilege 978
for a definite period of two to twelve years. The court may 979
grant limited driving privileges relative to the suspension 980
under sections 4510.021 and 4510.13 of the Revised Code. 981

(v) In all cases, if the vehicle is registered in the 982
offender's name, criminal forfeiture of the vehicle involved in 983
the offense in accordance with section 4503.234 of the Revised 984
Code. Division (G) (6) of this section applies regarding any 985
vehicle that is subject to an order of criminal forfeiture under 986
this division. 987

(vi) In all cases, the court shall order the offender to 988
participate with a community addiction services provider 989
authorized by section 5119.21 of the Revised Code, subject to 990
division (I) of this section, and shall order the offender to 991
follow the treatment recommendations of the services provider. 992
The operator of the services provider shall determine and assess 993
the degree of the offender's alcohol dependency and shall make 994
recommendations for treatment. Upon the request of the court, 995
the services provider shall submit the results of the assessment 996
to the court, including all treatment recommendations and 997
clinical diagnoses related to alcohol use. 998

(d) Except as otherwise provided in division (G) (1) (e) of 999
this section, an offender who, within ten years of the offense, 1000
previously has been convicted of or pleaded guilty to three or 1001

four violations of division (A) or (B) of this section or other 1002
equivalent offenses or an offender who, within twenty years of 1003
the offense, previously has been convicted of or pleaded guilty 1004
to five or more violations of that nature is guilty of a felony 1005
of the fourth degree. The court shall sentence the offender to 1006
all of the following: 1007

(i) If the sentence is being imposed for a violation of 1008
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 1009
a mandatory prison term of one, two, three, four, or five years 1010
as required by and in accordance with division (G)(2) of section 1011
2929.13 of the Revised Code if the offender also is convicted of 1012
or also pleads guilty to a specification of the type described 1013
in section 2941.1413 of the Revised Code or, in the discretion 1014
of the court, either a mandatory term of local incarceration of 1015
sixty consecutive days in accordance with division (G)(1) of 1016
section 2929.13 of the Revised Code or a mandatory prison term 1017
of sixty consecutive days in accordance with division (G)(2) of 1018
that section if the offender is not convicted of and does not 1019
plead guilty to a specification of that type. If the court 1020
imposes a mandatory term of local incarceration, it may impose a 1021
jail term in addition to the sixty-day mandatory term, the 1022
cumulative total of the mandatory term and the jail term for the 1023
offense shall not exceed one year, and, except as provided in 1024
division (A)(1) of section 2929.13 of the Revised Code, no 1025
prison term is authorized for the offense. If the court imposes 1026
a mandatory prison term, notwithstanding division (A)(4) of 1027
section 2929.14 of the Revised Code, it also may sentence the 1028
offender to a definite prison term that shall be not less than 1029
six months and not more than thirty months and the prison terms 1030
shall be imposed as described in division (G)(2) of section 1031
2929.13 of the Revised Code. If the court imposes a mandatory 1032

prison term or mandatory prison term and additional prison term, 1033
in addition to the term or terms so imposed, the court also may 1034
sentence the offender to a community control sanction for the 1035
offense, but the offender shall serve all of the prison terms so 1036
imposed prior to serving the community control sanction. 1037

(ii) If the sentence is being imposed for a violation of 1038
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1039
section, a mandatory prison term of one, two, three, four, or 1040
five years as required by and in accordance with division (G)(2) 1041
of section 2929.13 of the Revised Code if the offender also is 1042
convicted of or also pleads guilty to a specification of the 1043
type described in section 2941.1413 of the Revised Code or, in 1044
the discretion of the court, either a mandatory term of local 1045
incarceration of one hundred twenty consecutive days in 1046
accordance with division (G)(1) of section 2929.13 of the 1047
Revised Code or a mandatory prison term of one hundred twenty 1048
consecutive days in accordance with division (G)(2) of that 1049
section if the offender is not convicted of and does not plead 1050
guilty to a specification of that type. If the court imposes a 1051
mandatory term of local incarceration, it may impose a jail term 1052
in addition to the one hundred twenty-day mandatory term, the 1053
cumulative total of the mandatory term and the jail term for the 1054
offense shall not exceed one year, and, except as provided in 1055
division (A)(1) of section 2929.13 of the Revised Code, no 1056
prison term is authorized for the offense. If the court imposes 1057
a mandatory prison term, notwithstanding division (A)(4) of 1058
section 2929.14 of the Revised Code, it also may sentence the 1059
offender to a definite prison term that shall be not less than 1060
six months and not more than thirty months and the prison terms 1061
shall be imposed as described in division (G)(2) of section 1062
2929.13 of the Revised Code. If the court imposes a mandatory 1063

prison term or mandatory prison term and additional prison term, 1064
in addition to the term or terms so imposed, the court also may 1065
sentence the offender to a community control sanction for the 1066
offense, but the offender shall serve all of the prison terms so 1067
imposed prior to serving the community control sanction. 1068

(iii) In all cases, notwithstanding section 2929.18 of the 1069
Revised Code, a fine of not less than ~~one~~two thousand three 1070
hundred ~~fifty~~ nor more than ten thousand five hundred dollars; 1071

(iv) In all cases, a class two license suspension of the 1072
offender's driver's license, commercial driver's license, 1073
temporary instruction permit, probationary license, or 1074
nonresident operating privilege from the range specified in 1075
division (A)(2) of section 4510.02 of the Revised Code. The 1076
court may grant limited driving privileges relative to the 1077
suspension under sections 4510.021 and 4510.13 of the Revised 1078
Code. 1079

(v) In all cases, if the vehicle is registered in the 1080
offender's name, criminal forfeiture of the vehicle involved in 1081
the offense in accordance with section 4503.234 of the Revised 1082
Code. Division (G)(6) of this section applies regarding any 1083
vehicle that is subject to an order of criminal forfeiture under 1084
this division. 1085

(vi) In all cases, the court shall order the offender to 1086
participate with a community addiction services provider 1087
authorized by section 5119.21 of the Revised Code, subject to 1088
division (I) of this section, and shall order the offender to 1089
follow the treatment recommendations of the services provider. 1090
The operator of the services provider shall determine and assess 1091
the degree of the offender's alcohol dependency and shall make 1092
recommendations for treatment. Upon the request of the court, 1093

the services provider shall submit the results of the assessment 1094
to the court, including all treatment recommendations and 1095
clinical diagnoses related to alcohol use. 1096

(vii) In all cases, if the court sentences the offender to 1097
a mandatory term of local incarceration, in addition to the 1098
mandatory term, the court, pursuant to section 2929.17 of the 1099
Revised Code, may impose a term of house arrest with electronic 1100
monitoring. The term shall not commence until after the offender 1101
has served the mandatory term of local incarceration. 1102

(e) An offender who previously has been convicted of or 1103
pleaded guilty to a violation of division (A) of this section 1104
that was a felony, regardless of when the violation and the 1105
conviction or guilty plea occurred, is guilty of a felony of the 1106
third degree. The court shall sentence the offender to all of 1107
the following: 1108

(i) If the offender is being sentenced for a violation of 1109
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 1110
a mandatory prison term of one, two, three, four, or five years 1111
as required by and in accordance with division (G)(2) of section 1112
2929.13 of the Revised Code if the offender also is convicted of 1113
or also pleads guilty to a specification of the type described 1114
in section 2941.1413 of the Revised Code or a mandatory prison 1115
term of sixty consecutive days in accordance with division (G) 1116
(2) of section 2929.13 of the Revised Code if the offender is 1117
not convicted of and does not plead guilty to a specification of 1118
that type. The court may impose a prison term in addition to the 1119
mandatory prison term. The cumulative total of a sixty-day 1120
mandatory prison term and the additional prison term for the 1121
offense shall not exceed five years. In addition to the 1122
mandatory prison term or mandatory prison term and additional 1123

prison term the court imposes, the court also may sentence the 1124
offender to a community control sanction for the offense, but 1125
the offender shall serve all of the prison terms so imposed 1126
prior to serving the community control sanction. 1127

(ii) If the sentence is being imposed for a violation of 1128
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 1129
section, a mandatory prison term of one, two, three, four, or 1130
five years as required by and in accordance with division (G)(2) 1131
of section 2929.13 of the Revised Code if the offender also is 1132
convicted of or also pleads guilty to a specification of the 1133
type described in section 2941.1413 of the Revised Code or a 1134
mandatory prison term of one hundred twenty consecutive days in 1135
accordance with division (G)(2) of section 2929.13 of the 1136
Revised Code if the offender is not convicted of and does not 1137
plead guilty to a specification of that type. The court may 1138
impose a prison term in addition to the mandatory prison term. 1139
The cumulative total of a one hundred twenty-day mandatory 1140
prison term and the additional prison term for the offense shall 1141
not exceed five years. In addition to the mandatory prison term 1142
or mandatory prison term and additional prison term the court 1143
imposes, the court also may sentence the offender to a community 1144
control sanction for the offense, but the offender shall serve 1145
all of the prison terms so imposed prior to serving the 1146
community control sanction. 1147

(iii) In all cases, notwithstanding section 2929.18 of the 1148
Revised Code, a fine of not less than ~~one~~ two thousand three 1149
hundred ~~fifty~~ nor more than ten thousand five hundred dollars; 1150

(iv) In all cases, a class two license suspension of the 1151
offender's driver's license, commercial driver's license, 1152
temporary instruction permit, probationary license, or 1153

nonresident operating privilege from the range specified in 1154
division (A) (2) of section 4510.02 of the Revised Code. The 1155
court may grant limited driving privileges relative to the 1156
suspension under sections 4510.021 and 4510.13 of the Revised 1157
Code. 1158

(v) In all cases, if the vehicle is registered in the 1159
offender's name, criminal forfeiture of the vehicle involved in 1160
the offense in accordance with section 4503.234 of the Revised 1161
Code. Division (G) (6) of this section applies regarding any 1162
vehicle that is subject to an order of criminal forfeiture under 1163
this division. 1164

(vi) In all cases, the court shall order the offender to 1165
participate with a community addiction services provider 1166
authorized by section 5119.21 of the Revised Code, subject to 1167
division (I) of this section, and shall order the offender to 1168
follow the treatment recommendations of the services provider. 1169
The operator of the services provider shall determine and assess 1170
the degree of the offender's alcohol dependency and shall make 1171
recommendations for treatment. Upon the request of the court, 1172
the services provider shall submit the results of the assessment 1173
to the court, including all treatment recommendations and 1174
clinical diagnoses related to alcohol use. 1175

(2) An offender who is convicted of or pleads guilty to a 1176
violation of division (A) of this section and who subsequently 1177
seeks reinstatement of the driver's or occupational driver's 1178
license or permit or nonresident operating privilege suspended 1179
under this section as a result of the conviction or guilty plea 1180
shall pay a reinstatement fee as provided in division (F) (2) of 1181
section 4511.191 of the Revised Code. 1182

(3) If an offender is sentenced to a jail term under 1183

division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 1184
section and if, within sixty days of sentencing of the offender, 1185
the court issues a written finding on the record that, due to 1186
the unavailability of space at the jail where the offender is 1187
required to serve the term, the offender will not be able to 1188
begin serving that term within the sixty-day period following 1189
the date of sentencing, the court may impose an alternative 1190
sentence under this division that includes a term of house 1191
arrest with electronic monitoring, with continuous alcohol 1192
monitoring, or with both electronic monitoring and continuous 1193
alcohol monitoring. 1194

As an alternative to a mandatory jail term of ten 1195
consecutive days required by division (G) (1) (b) (i) of this 1196
section, the court, under this division, may sentence the 1197
offender to five consecutive days in jail and not less than 1198
eighteen consecutive days of house arrest with electronic 1199
monitoring, with continuous alcohol monitoring, or with both 1200
electronic monitoring and continuous alcohol monitoring. The 1201
cumulative total of the five consecutive days in jail and the 1202
period of house arrest with electronic monitoring, continuous 1203
alcohol monitoring, or both types of monitoring shall not exceed 1204
six months. The five consecutive days in jail do not have to be 1205
served prior to or consecutively to the period of house arrest. 1206

As an alternative to the mandatory jail term of twenty 1207
consecutive days required by division (G) (1) (b) (ii) of this 1208
section, the court, under this division, may sentence the 1209
offender to ten consecutive days in jail and not less than 1210
thirty-six consecutive days of house arrest with electronic 1211
monitoring, with continuous alcohol monitoring, or with both 1212
electronic monitoring and continuous alcohol monitoring. The 1213
cumulative total of the ten consecutive days in jail and the 1214

period of house arrest with electronic monitoring, continuous 1215
alcohol monitoring, or both types of monitoring shall not exceed 1216
six months. The ten consecutive days in jail do not have to be 1217
served prior to or consecutively to the period of house arrest. 1218

As an alternative to a mandatory jail term of thirty 1219
consecutive days required by division (G)(1)(c)(i) of this 1220
section, the court, under this division, may sentence the 1221
offender to fifteen consecutive days in jail and not less than 1222
fifty-five consecutive days of house arrest with electronic 1223
monitoring, with continuous alcohol monitoring, or with both 1224
electronic monitoring and continuous alcohol monitoring. The 1225
cumulative total of the fifteen consecutive days in jail and the 1226
period of house arrest with electronic monitoring, continuous 1227
alcohol monitoring, or both types of monitoring shall not exceed 1228
one year. The fifteen consecutive days in jail do not have to be 1229
served prior to or consecutively to the period of house arrest. 1230

As an alternative to the mandatory jail term of sixty 1231
consecutive days required by division (G)(1)(c)(ii) of this 1232
section, the court, under this division, may sentence the 1233
offender to thirty consecutive days in jail and not less than 1234
one hundred ten consecutive days of house arrest with electronic 1235
monitoring, with continuous alcohol monitoring, or with both 1236
electronic monitoring and continuous alcohol monitoring. The 1237
cumulative total of the thirty consecutive days in jail and the 1238
period of house arrest with electronic monitoring, continuous 1239
alcohol monitoring, or both types of monitoring shall not exceed 1240
one year. The thirty consecutive days in jail do not have to be 1241
served prior to or consecutively to the period of house arrest. 1242

(4) If an offender's driver's or occupational driver's 1243
license or permit or nonresident operating privilege is 1244

suspended under division (G) of this section and if section 1245
4510.13 of the Revised Code permits the court to grant limited 1246
driving privileges, the court may grant the limited driving 1247
privileges in accordance with that section. If division (A) (7) 1248
of that section requires that the court impose as a condition of 1249
the privileges that the offender must display on the vehicle 1250
that is driven subject to the privileges restricted license 1251
plates that are issued under section 4503.231 of the Revised 1252
Code, except as provided in division (B) of that section, the 1253
court shall impose that condition as one of the conditions of 1254
the limited driving privileges granted to the offender, except 1255
as provided in division (B) of section 4503.231 of the Revised 1256
Code. 1257

(5) Fines imposed under this section for a violation of 1258
division (A) of this section shall be distributed as follows: 1259

(a) Twenty-five dollars of the fine imposed under division 1260
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 1261
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 1262
fine imposed under division (G) (1) (c) (iii), and two hundred ten 1263
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 1264
(iii) of this section shall be paid to an enforcement and 1265
education fund established by the legislative authority of the 1266
law enforcement agency in this state that primarily was 1267
responsible for the arrest of the offender, as determined by the 1268
court that imposes the fine. The agency shall use this share to 1269
pay only those costs it incurs in enforcing this section or a 1270
municipal OVI ordinance and in informing the public of the laws 1271
governing the operation of a vehicle while under the influence 1272
of alcohol, the dangers of the operation of a vehicle under the 1273
influence of alcohol, and other information relating to the 1274
operation of a vehicle under the influence of alcohol and the 1275

consumption of alcoholic beverages. 1276

(b) Fifty dollars of the fine imposed under division (G) 1277
(1)(a)(iii) of this section shall be paid to the political 1278
subdivision that pays the cost of housing the offender during 1279
the offender's term of incarceration. If the offender is being 1280
sentenced for a violation of division (A)(1)(a), (b), (c), (d), 1281
(e), or (j) of this section and was confined as a result of the 1282
offense prior to being sentenced for the offense but is not 1283
sentenced to a term of incarceration, the fifty dollars shall be 1284
paid to the political subdivision that paid the cost of housing 1285
the offender during that period of confinement. The political 1286
subdivision shall use the share under this division to pay or 1287
reimburse incarceration or treatment costs it incurs in housing 1288
or providing drug and alcohol treatment to persons who violate 1289
this section or a municipal OVI ordinance, costs of any 1290
immobilizing or disabling device used on the offender's vehicle, 1291
and costs of electronic house arrest equipment needed for 1292
persons who violate this section. 1293

(c) Twenty-five dollars of the fine imposed under division 1294
(G)(1)(a)(iii) and fifty dollars of the fine imposed under 1295
division (G)(1)(b)(iii) of this section shall be deposited into 1296
the county or municipal indigent drivers' alcohol treatment fund 1297
under the control of that court, as created by the county or 1298
municipal corporation under division (F) of section 4511.191 of 1299
the Revised Code. 1300

(d) One hundred fifteen dollars of the fine imposed under 1301
division (G)(1)(b)(iii), two hundred seventy-seven dollars of 1302
the fine imposed under division (G)(1)(c)(iii), and four hundred 1303
forty dollars of the fine imposed under division (G)(1)(d)(iii) 1304
or (e)(iii) of this section shall be paid to the political 1305

subdivision that pays the cost of housing the offender during 1306
the offender's term of incarceration. The political subdivision 1307
shall use this share to pay or reimburse incarceration or 1308
treatment costs it incurs in housing or providing drug and 1309
alcohol treatment to persons who violate this section or a 1310
municipal OVI ordinance, costs for any immobilizing or disabling 1311
device used on the offender's vehicle, and costs of electronic 1312
house arrest equipment needed for persons who violate this 1313
section. 1314

(e) Fifty dollars of the fine imposed under divisions (G) 1315
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 1316
(G) (1) (e) (iii) of this section shall be deposited into the 1317
special projects fund of the court in which the offender was 1318
convicted and that is established under division (E) (1) of 1319
section 2303.201, division (B) (1) of section 1901.26, or 1320
division (B) (1) of section 1907.24 of the Revised Code, to be 1321
used exclusively to cover the cost of immobilizing or disabling 1322
devices, including certified ignition interlock devices, and 1323
remote alcohol monitoring devices for indigent offenders who are 1324
required by a judge to use either of these devices. If the court 1325
in which the offender was convicted does not have a special 1326
projects fund that is established under division (E) (1) of 1327
section 2303.201, division (B) (1) of section 1901.26, or 1328
division (B) (1) of section 1907.24 of the Revised Code, the 1329
fifty dollars shall be deposited into the indigent drivers 1330
interlock and alcohol monitoring fund under division (I) of 1331
section 4511.191 of the Revised Code. 1332

(f) Seventy-five dollars of the fine imposed under 1333
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 1334
fine imposed under division (G) (1) (b) (iii), two hundred fifty 1335
dollars of the fine imposed under division (G) (1) (c) (iii), and 1336

five hundred dollars of the fine imposed under division (G) (1) 1337
(d) (iii) or (e) (iii) of this section shall be transmitted to the 1338
treasurer of state for deposit into the indigent defense support 1339
fund established under section 120.08 of the Revised Code. 1340

(g) The balance of the fine imposed under division (G) (1) 1341
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 1342
section shall be disbursed as otherwise provided by law. 1343

(6) If title to a motor vehicle that is subject to an 1344
order of criminal forfeiture under division (G) (1) (c), (d), or 1345
(e) of this section is assigned or transferred and division (B) 1346
(2) or (3) of section 4503.234 of the Revised Code applies, in 1347
addition to or independent of any other penalty established by 1348
law, the court may fine the offender the value of the vehicle as 1349
determined by publications of the national automobile dealers 1350
association. The proceeds of any fine so imposed shall be 1351
distributed in accordance with division (C) (2) of that section. 1352

(7) In all cases in which an offender is sentenced under 1353
division (G) of this section, the offender shall provide the 1354
court with proof of financial responsibility as defined in 1355
section 4509.01 of the Revised Code. If the offender fails to 1356
provide that proof of financial responsibility, the court, in 1357
addition to any other penalties provided by law, may order 1358
restitution pursuant to section 2929.18 or 2929.28 of the 1359
Revised Code in an amount not exceeding five thousand dollars 1360
for any economic loss arising from an accident or collision that 1361
was the direct and proximate result of the offender's operation 1362
of the vehicle before, during, or after committing the offense 1363
for which the offender is sentenced under division (G) of this 1364
section. 1365

(8) A court may order an offender to reimburse a law 1366

enforcement agency for any costs incurred by the agency with 1367
respect to a chemical test or tests administered to the offender 1368
if all of the following apply: 1369

(a) The offender is convicted of or pleads guilty to a 1370
violation of division (A) of this section. 1371

(b) The test or tests were of the offender's whole blood, 1372
blood serum or plasma, or urine. 1373

(c) The test or tests indicated that the offender had a 1374
prohibited concentration of a controlled substance or a 1375
metabolite of a controlled substance in the offender's whole 1376
blood, blood serum or plasma, or urine at the time of the 1377
offense. 1378

(9) A court shall warn any person who is convicted of or 1379
who pleads guilty to a violation of division (A) of this section 1380
or an equivalent offense that a subsequent violation of this 1381
section or an equivalent offense that results in the death of 1382
another or the unlawful termination of another's pregnancy may 1383
result in the person being guilty of aggravated vehicular 1384
homicide under section 2903.06 of the Revised Code. The court 1385
shall warn the person of the applicable penalties for that 1386
violation under sections 2903.06 and 2929.142 of the Revised 1387
Code. 1388

(10) As used in division (G) of this section, "electronic 1389
monitoring," "mandatory prison term," and "mandatory term of 1390
local incarceration" have the same meanings as in section 1391
2929.01 of the Revised Code. 1392

(H) Whoever violates division (B) of this section is 1393
guilty of operating a vehicle after underage alcohol consumption 1394
and shall be punished as follows: 1395

(1) Except as otherwise provided in division (H) (2) of 1396
this section, the offender is guilty of a misdemeanor of the 1397
fourth degree. In addition to any other sanction imposed for the 1398
offense, the court shall impose a class six suspension of the 1399
offender's driver's license, commercial driver's license, 1400
temporary instruction permit, probationary license, or 1401
nonresident operating privilege from the range specified in 1402
division (A) (6) of section 4510.02 of the Revised Code. The 1403
court may grant limited driving privileges relative to the 1404
suspension under sections 4510.021 and 4510.13 of the Revised 1405
Code. The court may grant unlimited driving privileges with an 1406
ignition interlock device relative to the suspension and may 1407
reduce the period of suspension as authorized under section 1408
4510.022 of the Revised Code. If the court grants unlimited 1409
driving privileges under section 4510.022 of the Revised Code, 1410
the court shall suspend any jail term imposed under division (H) 1411
(1) of this section as required under that section. 1412

(2) If, within one year of the offense, the offender 1413
previously has been convicted of or pleaded guilty to one or 1414
more violations of division (A) or (B) of this section or other 1415
equivalent offenses, the offender is guilty of a misdemeanor of 1416
the third degree. In addition to any other sanction imposed for 1417
the offense, the court shall impose a class four suspension of 1418
the offender's driver's license, commercial driver's license, 1419
temporary instruction permit, probationary license, or 1420
nonresident operating privilege from the range specified in 1421
division (A) (4) of section 4510.02 of the Revised Code. The 1422
court may grant limited driving privileges relative to the 1423
suspension under sections 4510.021 and 4510.13 of the Revised 1424
Code. 1425

(3) If the offender also is convicted of or also pleads 1426

guilty to a specification of the type described in section 1427
2941.1416 of the Revised Code and if the court imposes a jail 1428
term for the violation of division (B) of this section, the 1429
court shall impose upon the offender an additional definite jail 1430
term pursuant to division (E) of section 2929.24 of the Revised 1431
Code. 1432

(4) The offender shall provide the court with proof of 1433
financial responsibility as defined in section 4509.01 of the 1434
Revised Code. If the offender fails to provide that proof of 1435
financial responsibility, then, in addition to any other 1436
penalties provided by law, the court may order restitution 1437
pursuant to section 2929.28 of the Revised Code in an amount not 1438
exceeding five thousand dollars for any economic loss arising 1439
from an accident or collision that was the direct and proximate 1440
result of the offender's operation of the vehicle before, 1441
during, or after committing the violation of division (B) of 1442
this section. 1443

(I) (1) No court shall sentence an offender to an alcohol 1444
treatment program under this section unless the treatment 1445
program complies with the minimum standards for alcohol 1446
treatment programs adopted under Chapter 5119. of the Revised 1447
Code by the director of mental health and addiction services. 1448

(2) An offender who stays in a drivers' intervention 1449
program or in an alcohol treatment program under an order issued 1450
under this section shall pay the cost of the stay in the 1451
program. However, if the court determines that an offender who 1452
stays in an alcohol treatment program under an order issued 1453
under this section is unable to pay the cost of the stay in the 1454
program, the court may order that the cost be paid from the 1455
court's indigent drivers' alcohol treatment fund. 1456

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

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

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

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

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

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

Revised Code applies to this section. 1486

(N) (1) The Ohio Traffic Rules in effect on January 1, 1487
2004, as adopted by the supreme court under authority of section 1488
2937.46 of the Revised Code, do not apply to felony violations 1489
of this section. Subject to division (N) (2) of this section, the 1490
Rules of Criminal Procedure apply to felony violations of this 1491
section. 1492

(2) If, on or after January 1, 2004, the supreme court 1493
modifies the Ohio Traffic Rules to provide procedures to govern 1494
felony violations of this section, the modified rules shall 1495
apply to felony violations of this section. 1496

Section 2. That existing sections 2903.06, 2929.142, and 1497
4511.19 of the Revised Code are hereby repealed. 1498