

**As Passed by the Senate**

**131st General Assembly**

**Regular Session**

**2015-2016**

**Sub. H. B. No. 388**

**Representative Scherer**

**Cosponsors: Representatives Johnson, T., Anielski, Arndt, Landis, Young, Zeltwanger, Antani, Antonio, Barnes, Boose, Brown, Buchy, Butler, Conditt, Craig, Dean, Dovilla, Duffey, Grossman, Hagan, Hambley, Hayes, Howse, Kunze, Leland, McClain, O'Brien, M., Patmon, Perales, Reineke, Rogers, Ruhl, Slaby, Sprague, Sweeney, Terhar, Vitale**

**Senators Bacon, LaRose, Tavares, Thomas, Balderson, Beagle, Burke, Cafaro, Coley, Eklund, Faber, Gardner, Hackett, Hite, Hottinger, Hughes, Jones, Lehner, Obhof, Oelslager, Patton, Sawyer, Seitz, Uecker**

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**A BILL**

To amend sections 1547.99, 1905.01, 2903.06, 1  
2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 2  
4505.11, 4510.13, 4510.17, 4510.43, 4510.44, 3  
4510.45, 4510.46, 4511.19, 4511.191, 4511.193, 4  
and 4511.195 and to enact section 4510.022 of 5  
the Revised Code to authorize a court to grant 6  
unlimited driving privileges with an ignition 7  
interlock device to a first-time OVI offender, 8  
to expand the penalties related to ignition 9  
interlock device violations, to modify the law 10  
governing the installation and monitoring of 11  
ignition interlock devices, to extend the look 12  
back period for OVI and OVI-related offenses 13  
from six to ten years, to modify the penalties 14  
for OVI offenses, and to alter the notice 15  
requirements applicable to a salvage auction or 16  
pool that obtains a salvage certificate of title 17  
for a motor vehicle. 18

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

**Section 1.** That sections 1547.99, 1905.01, 2903.06, 19  
2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 4505.11, 4510.13, 20  
4510.17, 4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 4511.191, 21  
4511.193, and 4511.195 be amended and section 4510.022 of the 22  
Revised Code be enacted to read as follows: 23

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 24  
Revised Code is guilty of a felony of the fourth degree. 25

(B) Whoever violates division (F) of section 1547.08, 26  
section 1547.10, division (I) of section 1547.111, section 27  
1547.13, or section 1547.66 of the Revised Code is guilty of a 28  
misdemeanor of the first degree. 29

(C) Whoever violates a provision of this chapter or a rule 30  
adopted thereunder, for which no penalty is otherwise provided, 31  
is guilty of a minor misdemeanor. 32

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 33  
of the Revised Code without causing injury to persons or damage 34  
to property is guilty of a misdemeanor of the fourth degree. 35

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 36  
of the Revised Code causing injury to persons or damage to 37  
property is guilty of a misdemeanor of the third degree. 38

(F) Whoever violates division (N) of section 1547.54, 39  
division (G) of section 1547.30, or section 1547.131, 1547.25, 40  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 41  
of the Revised Code or a rule adopted under division (A) (2) of 42  
section 1547.52 of the Revised Code is guilty of a misdemeanor 43  
of the fourth degree. 44

(G) Whoever violates section 1547.11 of the Revised Code 45  
is guilty of a misdemeanor of the first degree and shall be 46  
punished as provided in division (G) (1), (2), or (3) of this 47  
section. 48

(1) Except as otherwise provided in division (G) (2) or (3) 49  
of this section, the court shall sentence the offender to a jail 50  
term of three consecutive days and may sentence the offender 51  
pursuant to section 2929.24 of the Revised Code to a longer jail 52  
term. In addition, the court shall impose upon the offender a 53  
fine of not less than one hundred fifty nor more than one 54  
thousand dollars. 55

The court may suspend the execution of the mandatory jail 56  
term of three consecutive days that it is required to impose by 57  
division (G) (1) of this section if the court, in lieu of the 58  
suspended jail term, places the offender under a community 59  
control sanction pursuant to section 2929.25 of the Revised Code 60  
and requires the offender to attend, for three consecutive days, 61  
a drivers' intervention program that is certified pursuant to 62  
section 5119.38 of the Revised Code. The court also may suspend 63  
the execution of any part of the mandatory jail term of three 64  
consecutive days that it is required to impose by division (G) 65  
(1) of this section if the court places the offender under a 66  
community control sanction pursuant to section 2929.25 of the 67  
Revised Code for part of the three consecutive days; requires 68  
the offender to attend, for that part of the three consecutive 69  
days, a drivers' intervention program that is certified pursuant 70  
to section 5119.38 of the Revised Code; and sentences the 71  
offender to a jail term equal to the remainder of the three 72  
consecutive days that the offender does not spend attending the 73  
drivers' intervention program. The court may require the 74  
offender, as a condition of community control, to attend and 75

satisfactorily complete any treatment or education programs, in 76  
addition to the required attendance at a drivers' intervention 77  
program, that the operators of the drivers' intervention program 78  
determine that the offender should attend and to report 79  
periodically to the court on the offender's progress in the 80  
programs. The court also may impose any other conditions of 81  
community control on the offender that it considers necessary. 82

(2) If, within ~~six~~-ten years of the offense, the offender 83  
has been convicted of or pleaded guilty to one violation of 84  
section 1547.11 of the Revised Code or one other equivalent 85  
offense, the court shall sentence the offender to a jail term of 86  
ten consecutive days and may sentence the offender pursuant to 87  
section 2929.24 of the Revised Code to a longer jail term. In 88  
addition, the court shall impose upon the offender a fine of not 89  
less than one hundred fifty nor more than one thousand dollars. 90

In addition to any other sentence that it imposes upon the 91  
offender, the court may require the offender to attend a 92  
drivers' intervention program that is certified pursuant to 93  
section 5119.38 of the Revised Code. 94

(3) If, within ~~six~~-ten years of the offense, the offender 95  
has been convicted of or pleaded guilty to more than one 96  
violation or offense identified in division (G)(2) of this 97  
section, the court shall sentence the offender to a jail term of 98  
thirty consecutive days and may sentence the offender to a 99  
longer jail term of not more than one year. In addition, the 100  
court shall impose upon the offender a fine of not less than one 101  
hundred fifty nor more than one thousand dollars. 102

In addition to any other sentence that it imposes upon the 103  
offender, the court may require the offender to attend a 104  
drivers' intervention program that is certified pursuant to 105

section 5119.38 of the Revised Code. 106

(4) Upon a showing that serving a jail term would 107  
seriously affect the ability of an offender sentenced pursuant 108  
to division (G) (1), (2), or (3) of this section to continue the 109  
offender's employment, the court may authorize that the offender 110  
be granted work release after the offender has served the 111  
mandatory jail term of three, ten, or thirty consecutive days 112  
that the court is required by division (G) (1), (2), or (3) of 113  
this section to impose. No court shall authorize work release 114  
during the mandatory jail term of three, ten, or thirty 115  
consecutive days that the court is required by division (G) (1), 116  
(2), or (3) of this section to impose. The duration of the work 117  
release shall not exceed the time necessary each day for the 118  
offender to commute to and from the place of employment and the 119  
place in which the jail term is served and the time actually 120  
spent under employment. 121

(5) Notwithstanding any section of the Revised Code that 122  
authorizes the suspension of the imposition or execution of a 123  
sentence or the placement of an offender in any treatment 124  
program in lieu of being imprisoned or serving a jail term, no 125  
court shall suspend the mandatory jail term of ten or thirty 126  
consecutive days required to be imposed by division (G) (2) or 127  
(3) of this section or place an offender who is sentenced 128  
pursuant to division (G) (2) or (3) of this section in any 129  
treatment program in lieu of being imprisoned or serving a jail 130  
term until after the offender has served the mandatory jail term 131  
of ten or thirty consecutive days required to be imposed 132  
pursuant to division (G) (2) or (3) of this section. 133  
Notwithstanding any section of the Revised Code that authorizes 134  
the suspension of the imposition or execution of a sentence or 135  
the placement of an offender in any treatment program in lieu of 136

being imprisoned or serving a jail term, no court, except as 137  
specifically authorized by division (G) (1) of this section, 138  
shall suspend the mandatory jail term of three consecutive days 139  
required to be imposed by division (G) (1) of this section or 140  
place an offender who is sentenced pursuant to division (G) (1) 141  
of this section in any treatment program in lieu of imprisonment 142  
until after the offender has served the mandatory jail term of 143  
three consecutive days required to be imposed pursuant to 144  
division (G) (1) of this section. 145

(6) As used in division (G) of this section: 146

(a) "Equivalent offense" has the same meaning as in 147  
section 4511.181 of the Revised Code. 148

(b) "Jail term" and "mandatory jail term" have the same 149  
meanings as in section 2929.01 of the Revised Code. 150

(H) Whoever violates section 1547.304 of the Revised Code 151  
is guilty of a misdemeanor of the fourth degree and also shall 152  
be assessed any costs incurred by the state or a county, 153  
township, municipal corporation, or other political subdivision 154  
in disposing of an abandoned junk vessel or outboard motor, less 155  
any money accruing to the state, county, township, municipal 156  
corporation, or other political subdivision from that disposal. 157

(I) Whoever violates division (B) or (C) of section 158  
1547.49 of the Revised Code is guilty of a minor misdemeanor. 159

(J) Whoever violates section 1547.31 of the Revised Code 160  
is guilty of a misdemeanor of the fourth degree on a first 161  
offense. On each subsequent offense, the person is guilty of a 162  
misdemeanor of the third degree. 163

(K) Whoever violates section 1547.05 or 1547.051 of the 164  
Revised Code is guilty of a misdemeanor of the fourth degree if 165

the violation is not related to a collision, injury to a person, 166  
or damage to property and a misdemeanor of the third degree if 167  
the violation is related to a collision, injury to a person, or 168  
damage to property. 169

(L) The sentencing court, in addition to the penalty 170  
provided under this section for a violation of this chapter or a 171  
rule adopted under it that involves a powercraft powered by more 172  
than ten horsepower and that, in the opinion of the court, 173  
involves a threat to the safety of persons or property, shall 174  
order the offender to complete successfully a boating course 175  
approved by the national association of state boating law 176  
administrators before the offender is allowed to operate a 177  
powercraft powered by more than ten horsepower on the waters in 178  
this state. Violation of a court order entered under this 179  
division is punishable as contempt under Chapter 2705. of the 180  
Revised Code. 181

**Sec. 1905.01.** (A) In Georgetown in Brown county, in Mount 182  
Gilead in Morrow county, in any municipal corporation located 183  
entirely on an island in Lake Erie, and in all other municipal 184  
corporations having a population of more than two hundred, other 185  
than Batavia in Clermont county, not being the site of a 186  
municipal court nor a place where a judge of the Auglaize 187  
county, Crawford county, Jackson county, Miami county, 188  
Montgomery county, Portage county, or Wayne county municipal 189  
court sits as required pursuant to section 1901.021 of the 190  
Revised Code or by designation of the judges pursuant to section 191  
1901.021 of the Revised Code, the mayor of the municipal 192  
corporation has jurisdiction, except as provided in divisions 193  
(B), (C), and (E) of this section and subject to the limitation 194  
contained in section 1905.03 and the limitation contained in 195  
section 1905.031 of the Revised Code, to hear and determine any 196

prosecution for the violation of an ordinance of the municipal corporation, to hear and determine any case involving a violation of a vehicle parking or standing ordinance of the municipal corporation unless the violation is required to be handled by a parking violations bureau or joint parking violations bureau pursuant to Chapter 4521. of the Revised Code, and to hear and determine all criminal causes involving any moving traffic violation occurring on a state highway located within the boundaries of the municipal corporation, subject to the limitations of sections 2937.08 and 2938.04 of the Revised Code.

(B) (1) In Georgetown in Brown county, in Mount Gilead in Morrow county, in any municipal corporation located entirely on an island in Lake Erie, and in all other municipal corporations having a population of more than two hundred, other than Batavia in Clermont county, not being the site of a municipal court nor a place where a judge of a court listed in division (A) of this section sits as required pursuant to section 1901.021 of the Revised Code or by designation of the judges pursuant to section 1901.021 of the Revised Code, the mayor of the municipal corporation has jurisdiction, subject to the limitation contained in section 1905.03 of the Revised Code, to hear and determine prosecutions involving a violation of an ordinance of the municipal corporation relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or a combination of them or relating to operating a vehicle with a prohibited concentration of alcohol, a controlled substance, or a metabolite of a controlled substance in the whole blood, blood serum or plasma, breath, or urine, and to hear and determine criminal causes involving a violation of section 4511.19 of the Revised Code that occur on a state highway located within the



boundaries of the municipal corporation, subject to the 228  
limitations of sections 2937.08 and 2938.04 of the Revised Code, 229  
only if the person charged with the violation, within ~~six~~-ten 230  
years of the date of the violation charged, has not been 231  
convicted of or pleaded guilty to any of the following: 232

(a) A violation of an ordinance of any municipal 233  
corporation relating to operating a vehicle while under the 234  
influence of alcohol, a drug of abuse, or a combination of them 235  
or relating to operating a vehicle with a prohibited 236  
concentration of alcohol, a controlled substance, or a 237  
metabolite of a controlled substance in the whole blood, blood 238  
serum or plasma, breath, or urine; 239

(b) A violation of section 4511.19 of the Revised Code; 240

(c) A violation of any ordinance of any municipal 241  
corporation or of any section of the Revised Code that regulates 242  
the operation of vehicles, streetcars, and trackless trolleys 243  
upon the highways or streets, to which all of the following 244  
apply: 245

(i) The person, in the case in which the conviction was 246  
obtained or the plea of guilty was entered, had been charged 247  
with a violation of an ordinance of a type described in division 248  
(B) (1) (a) of this section, or with a violation of section 249  
4511.19 of the Revised Code; 250

(ii) The charge of the violation described in division (B) 251  
(1) (c) (i) of this section was dismissed or reduced; 252

(iii) The violation of which the person was convicted or 253  
to which the person pleaded guilty arose out of the same facts 254  
and circumstances and the same act as did the charge that was 255  
dismissed or reduced. 256

(d) A violation of a statute of the United States or of 257  
any other state or a municipal ordinance of a municipal 258  
corporation located in any other state that is substantially 259  
similar to section 4511.19 of the Revised Code. 260

(2) The mayor of a municipal corporation does not have 261  
jurisdiction to hear and determine any prosecution or criminal 262  
cause involving a violation described in division (B) (1) (a) or 263  
(b) of this section, regardless of where the violation occurred, 264  
if the person charged with the violation, within ~~six~~-ten years 265  
of the violation charged, has been convicted of or pleaded 266  
guilty to any violation listed in division (B) (1) (a), (b), (c), 267  
or (d) of this section. 268

If the mayor of a municipal corporation, in hearing a 269  
prosecution involving a violation of an ordinance of the 270  
municipal corporation the mayor serves relating to operating a 271  
vehicle while under the influence of alcohol, a drug of abuse, 272  
or a combination of them or relating to operating a vehicle with 273  
a prohibited concentration of alcohol, a controlled substance, 274  
or a metabolite of a controlled substance in the whole blood, 275  
blood serum or plasma, breath, or urine, or in hearing a 276  
criminal cause involving a violation of section 4511.19 of the 277  
Revised Code, determines that the person charged, within ~~six~~-ten 278  
years of the violation charged, has been convicted of or pleaded 279  
guilty to any violation listed in division (B) (1) (a), (b), (c), 280  
or (d) of this section, the mayor immediately shall transfer the 281  
case to the county court or municipal court with jurisdiction 282  
over the violation charged, in accordance with section 1905.032 283  
of the Revised Code. 284

(C) (1) In Georgetown in Brown county, in Mount Gilead in 285  
Morrow county, in any municipal corporation located entirely on 286

an island in Lake Erie, and in all other municipal corporations 287  
having a population of more than two hundred, other than Batavia 288  
in Clermont county, not being the site of a municipal court and 289  
not being a place where a judge of a court listed in division 290  
(A) of this section sits as required pursuant to section 291  
1901.021 of the Revised Code or by designation of the judges 292  
pursuant to section 1901.021 of the Revised Code, the mayor of 293  
the municipal corporation, subject to sections 1901.031, 294  
2937.08, and 2938.04 of the Revised Code, has jurisdiction to 295  
hear and determine prosecutions involving a violation of a 296  
municipal ordinance that is substantially equivalent to division 297  
(A) of section 4510.14 or section 4510.16 of the Revised Code 298  
and to hear and determine criminal causes that involve a moving 299  
traffic violation, that involve a violation of division (A) of 300  
section 4510.14 or section 4510.16 of the Revised Code, and that 301  
occur on a state highway located within the boundaries of the 302  
municipal corporation only if all of the following apply 303  
regarding the violation and the person charged: 304

(a) Regarding a violation of section 4510.16 of the 305  
Revised Code or a violation of a municipal ordinance that is 306  
substantially equivalent to that division, the person charged 307  
with the violation, within six years of the date of the 308  
violation charged, has not been convicted of or pleaded guilty 309  
to any of the following: 310

(i) A violation of section 4510.16 of the Revised Code; 311

(ii) A violation of a municipal ordinance that is 312  
substantially equivalent to section 4510.16 of the Revised Code; 313

(iii) A violation of any municipal ordinance or section of 314  
the Revised Code that regulates the operation of vehicles, 315  
streetcars, and trackless trolleys upon the highways or streets, 316

in a case in which, after a charge against the person of a 317  
violation of a type described in division (C) (1) (a) (i) or (ii) 318  
of this section was dismissed or reduced, the person is 319  
convicted of or pleads guilty to a violation that arose out of 320  
the same facts and circumstances and the same act as did the 321  
charge that was dismissed or reduced. 322

(b) Regarding a violation of division (A) of section 323  
4510.14 of the Revised Code or a violation of a municipal 324  
ordinance that is substantially equivalent to that division, the 325  
person charged with the violation, within six years of the date 326  
of the violation charged, has not been convicted of or pleaded 327  
guilty to any of the following: 328

(i) A violation of division (A) of section 4510.14 of the 329  
Revised Code; 330

(ii) A violation of a municipal ordinance that is 331  
substantially equivalent to division (A) of section 4510.14 of 332  
the Revised Code; 333

(iii) A violation of any municipal ordinance or section of 334  
the Revised Code that regulates the operation of vehicles, 335  
streetcars, and trackless trolleys upon the highways or streets 336  
in a case in which, after a charge against the person of a 337  
violation of a type described in division (C) (1) (b) (i) or (ii) 338  
of this section was dismissed or reduced, the person is 339  
convicted of or pleads guilty to a violation that arose out of 340  
the same facts and circumstances and the same act as did the 341  
charge that was dismissed or reduced. 342

(2) The mayor of a municipal corporation does not have 343  
jurisdiction to hear and determine any prosecution or criminal 344  
cause involving a violation described in division (C) (1) (a) (i) 345

or (ii) of this section if the person charged with the 346  
violation, within six years of the violation charged, has been 347  
convicted of or pleaded guilty to any violation listed in 348  
division (C) (1) (a) (i), (ii), or (iii) of this section and does 349  
not have jurisdiction to hear and determine any prosecution or 350  
criminal cause involving a violation described in division (C) 351  
(1) (b) (i) or (ii) of this section if the person charged with the 352  
violation, within six years of the violation charged, has been 353  
convicted of or pleaded guilty to any violation listed in 354  
division (C) (1) (b) (i), (ii), or (iii) of this section. 355

(3) If the mayor of a municipal corporation, in hearing a 356  
prosecution involving a violation of an ordinance of the 357  
municipal corporation the mayor serves that is substantially 358  
equivalent to division (A) of section 4510.14 or section 4510.16 359  
of the Revised Code or a violation of division (A) of section 360  
4510.14 or section 4510.16 of the Revised Code, determines that, 361  
under division (C) (2) of this section, mayors do not have 362  
jurisdiction of the prosecution, the mayor immediately shall 363  
transfer the case to the county court or municipal court with 364  
jurisdiction over the violation in accordance with section 365  
1905.032 of the Revised Code. 366

(D) If the mayor of a municipal corporation has 367  
jurisdiction pursuant to division (B) (1) of this section to hear 368  
and determine a prosecution or criminal cause involving a 369  
violation described in division (B) (1) (a) or (b) of this 370  
section, the authority of the mayor to hear or determine the 371  
prosecution or cause is subject to the limitation contained in 372  
division (C) of section 1905.03 of the Revised Code. If the 373  
mayor of a municipal corporation has jurisdiction pursuant to 374  
division (A) or (C) of this section to hear and determine a 375  
prosecution or criminal cause involving a violation other than a 376

violation described in division (B) (1) (a) or (b) of this 377  
section, the authority of the mayor to hear or determine the 378  
prosecution or cause is subject to the limitation contained in 379  
division (C) of section 1905.031 of the Revised Code. 380

(E) (1) The mayor of a municipal corporation does not have 381  
jurisdiction to hear and determine any prosecution or criminal 382  
cause involving any of the following: 383

(a) A violation of section 2919.25 or 2919.27 of the 384  
Revised Code; 385

(b) A violation of section 2903.11, 2903.12, 2903.13, 386  
2903.211, or 2911.211 of the Revised Code that involves a person 387  
who was a family or household member of the defendant at the 388  
time of the violation; 389

(c) A violation of a municipal ordinance that is 390  
substantially equivalent to an offense described in division (E) 391  
(1) (a) or (b) of this section and that involves a person who was 392  
a family or household member of the defendant at the time of the 393  
violation. 394

(2) The mayor of a municipal corporation does not have 395  
jurisdiction to hear and determine a motion filed pursuant to 396  
section 2919.26 of the Revised Code or filed pursuant to a 397  
municipal ordinance that is substantially equivalent to that 398  
section or to issue a protection order pursuant to that section 399  
or a substantially equivalent municipal ordinance. 400

(3) As used in this section, "family or household member" 401  
has the same meaning as in section 2919.25 of the Revised Code. 402

(F) In keeping a docket and files, the mayor, and a 403  
mayor's court magistrate appointed under section 1905.05 of the 404  
Revised Code, shall be governed by the laws pertaining to county 405

courts. 406

**Sec. 2903.06.** (A) No person, while operating or 407  
participating in the operation of a motor vehicle, motorcycle, 408  
snowmobile, locomotive, watercraft, or aircraft, shall cause the 409  
death of another or the unlawful termination of another's 410  
pregnancy in any of the following ways: 411

(1) (a) As the proximate result of committing a violation 412  
of division (A) of section 4511.19 of the Revised Code or of a 413  
substantially equivalent municipal ordinance; 414

(b) As the proximate result of committing a violation of 415  
division (A) of section 1547.11 of the Revised Code or of a 416  
substantially equivalent municipal ordinance; 417

(c) As the proximate result of committing a violation of 418  
division (A) (3) of section 4561.15 of the Revised Code or of a 419  
substantially equivalent municipal ordinance. 420

(2) In one of the following ways: 421

(a) Recklessly; 422

(b) As the proximate result of committing, while operating 423  
or participating in the operation of a motor vehicle or 424  
motorcycle in a construction zone, a reckless operation offense, 425  
provided that this division applies only if the person whose 426  
death is caused or whose pregnancy is unlawfully terminated is 427  
in the construction zone at the time of the offender's 428  
commission of the reckless operation offense in the construction 429  
zone and does not apply as described in division (F) of this 430  
section. 431

(3) In one of the following ways: 432

(a) Negligently; 433

(b) As the proximate result of committing, while operating 434  
or participating in the operation of a motor vehicle or 435  
motorcycle in a construction zone, a speeding offense, provided 436  
that this division applies only if the person whose death is 437  
caused or whose pregnancy is unlawfully terminated is in the 438  
construction zone at the time of the offender's commission of 439  
the speeding offense in the construction zone and does not apply 440  
as described in division (F) of this section. 441

(4) As the proximate result of committing a violation of 442  
any provision of any section contained in Title XLV of the 443  
Revised Code that is a minor misdemeanor or of a municipal 444  
ordinance that, regardless of the penalty set by ordinance for 445  
the violation, is substantially equivalent to any provision of 446  
any section contained in Title XLV of the Revised Code that is a 447  
minor misdemeanor. 448

(B) (1) Whoever violates division (A) (1) or (2) of this 449  
section is guilty of aggravated vehicular homicide and shall be 450  
punished as provided in divisions (B) (2) and (3) of this 451  
section. 452

(2) (a) Except as otherwise provided in division (B) (2) (b) 453  
or (c) of this section, aggravated vehicular homicide committed 454  
in violation of division (A) (1) of this section is a felony of 455  
the second degree and the court shall impose a mandatory prison 456  
term on the offender as described in division (E) of this 457  
section. 458

(b) Except as otherwise provided in division (B) (2) (c) of 459  
this section, aggravated vehicular homicide committed in 460  
violation of division (A) (1) of this section is a felony of the 461  
first degree, and the court shall impose a mandatory prison term 462  
on the offender as described in division (E) of this section, if 463



any of the following apply: 464

(i) At the time of the offense, the offender was driving 465  
under a suspension or cancellation imposed under Chapter 4510. 466  
or any other provision of the Revised Code or was operating a 467  
motor vehicle or motorcycle, did not have a valid driver's 468  
license, commercial driver's license, temporary instruction 469  
permit, probationary license, or nonresident operating 470  
privilege, and was not eligible for renewal of the offender's 471  
driver's license or commercial driver's license without 472  
examination under section 4507.10 of the Revised Code. 473

(ii) The offender previously has been convicted of or 474  
pleaded guilty to a violation of this section. 475

(iii) The offender previously has been convicted of or 476  
pleaded guilty to any traffic-related homicide, manslaughter, or 477  
assault offense. 478

(c) Aggravated vehicular homicide committed in violation 479  
of division (A) (1) of this section is a felony of the first 480  
degree, and the court shall sentence the offender to a mandatory 481  
prison term as provided in section 2929.142 of the Revised Code 482  
and described in division (E) of this section if any of the 483  
following apply: 484

(i) The offender previously has been convicted of or 485  
pleaded guilty to three or more prior violations of section 486  
4511.19 of the Revised Code or of a substantially equivalent 487  
municipal ordinance within the previous ~~six~~-ten years. 488

(ii) The offender previously has been convicted of or 489  
pleaded guilty to three or more prior violations of division (A) 490  
of section 1547.11 of the Revised Code or of a substantially 491  
equivalent municipal ordinance within the previous ~~six~~-ten 492

years.	493
(iii) The offender previously has been convicted of or	494
pleaded guilty to three or more prior violations of division (A)	495
(3) of section 4561.15 of the Revised Code or of a substantially	496
equivalent municipal ordinance within the previous <del>six</del> - <u>ten</u>	497
years.	498
(iv) The offender previously has been convicted of or	499
pleaded guilty to three or more prior violations of division (A)	500
(1) of this section within the previous <del>six</del> - <u>ten</u> years.	501
(v) The offender previously has been convicted of or	502
pleaded guilty to three or more prior violations of division (A)	503
(1) of section 2903.08 of the Revised Code within the previous	504
<del>six</del> - <u>ten</u> years.	505
(vi) The offender previously has been convicted of or	506
pleaded guilty to three or more prior violations of section	507
2903.04 of the Revised Code within the previous <del>six</del> - <u>ten</u> years in	508
circumstances in which division (D) of that section applied	509
regarding the violations.	510
(vii) The offender previously has been convicted of or	511
pleaded guilty to three or more violations of any combination of	512
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv),	513
(v), or (vi) of this section within the previous <del>six</del> - <u>ten</u> years.	514
(viii) The offender previously has been convicted of or	515
pleaded guilty to a second or subsequent felony violation of	516
division (A) of section 4511.19 of the Revised Code.	517
(d) In addition to any other sanctions imposed pursuant to	518
division (B) (2) (a), (b), or (c) of this section for aggravated	519
vehicular homicide committed in violation of division (A) (1) of	520
this section, the court shall impose upon the offender a class	521

one suspension of the offender's driver's license, commercial 522  
driver's license, temporary instruction permit, probationary 523  
license, or nonresident operating privilege as specified in 524  
division (A) (1) of section 4510.02 of the Revised Code. 525

(3) Except as otherwise provided in this division, 526  
aggravated vehicular homicide committed in violation of division 527  
(A) (2) of this section is a felony of the third degree. 528  
Aggravated vehicular homicide committed in violation of division 529  
(A) (2) of this section is a felony of the second degree if, at 530  
the time of the offense, the offender was driving under a 531  
suspension or cancellation imposed under Chapter 4510. or any 532  
other provision of the Revised Code or was operating a motor 533  
vehicle or motorcycle, did not have a valid driver's license, 534  
commercial driver's license, temporary instruction permit, 535  
probationary license, or nonresident operating privilege, and 536  
was not eligible for renewal of the offender's driver's license 537  
or commercial driver's license without examination under section 538  
4507.10 of the Revised Code or if the offender previously has 539  
been convicted of or pleaded guilty to a violation of this 540  
section or any traffic-related homicide, manslaughter, or 541  
assault offense. The court shall impose a mandatory prison term 542  
on the offender when required by division (E) of this section. 543

In addition to any other sanctions imposed pursuant to 544  
this division for a violation of division (A) (2) of this 545  
section, the court shall impose upon the offender a class two 546  
suspension of the offender's driver's license, commercial 547  
driver's license, temporary instruction permit, probationary 548  
license, or nonresident operating privilege from the range 549  
specified in division (A) (2) of section 4510.02 of the Revised 550  
Code or, if the offender previously has been convicted of or 551  
pleaded guilty to a traffic-related murder, felonious assault, 552

or attempted murder offense, a class one suspension of the 553  
offender's driver's license, commercial driver's license, 554  
temporary instruction permit, probationary license, or 555  
nonresident operating privilege as specified in division (A)(1) 556  
of that section. 557

(C) Whoever violates division (A)(3) of this section is 558  
guilty of vehicular homicide. Except as otherwise provided in 559  
this division, vehicular homicide is a misdemeanor of the first 560  
degree. Vehicular homicide committed in violation of division 561  
(A)(3) of this section is a felony of the fourth degree if, at 562  
the time of the offense, the offender was driving under a 563  
suspension or cancellation imposed under Chapter 4510. or any 564  
other provision of the Revised Code or was operating a motor 565  
vehicle or motorcycle, did not have a valid driver's license, 566  
commercial driver's license, temporary instruction permit, 567  
probationary license, or nonresident operating privilege, and 568  
was not eligible for renewal of the offender's driver's license 569  
or commercial driver's license without examination under section 570  
4507.10 of the Revised Code or if the offender previously has 571  
been convicted of or pleaded guilty to a violation of this 572  
section or any traffic-related homicide, manslaughter, or 573  
assault offense. The court shall impose a mandatory jail term or 574  
a mandatory prison term on the offender when required by 575  
division (E) of this section. 576

In addition to any other sanctions imposed pursuant to 577  
this division, the court shall impose upon the offender a class 578  
four suspension of the offender's driver's license, commercial 579  
driver's license, temporary instruction permit, probationary 580  
license, or nonresident operating privilege from the range 581  
specified in division (A)(4) of section 4510.02 of the Revised 582  
Code, or, if the offender previously has been convicted of or 583

pleaded guilty to a violation of this section or any traffic- 584  
related homicide, manslaughter, or assault offense, a class 585  
three suspension of the offender's driver's license, commercial 586  
driver's license, temporary instruction permit, probationary 587  
license, or nonresident operating privilege from the range 588  
specified in division (A) (3) of that section, or, if the 589  
offender previously has been convicted of or pleaded guilty to a 590  
traffic-related murder, felonious assault, or attempted murder 591  
offense, a class two suspension of the offender's driver's 592  
license, commercial driver's license, temporary instruction 593  
permit, probationary license, or nonresident operating privilege 594  
as specified in division (A) (2) of that section. 595

(D) Whoever violates division (A) (4) of this section is 596  
guilty of vehicular manslaughter. Except as otherwise provided 597  
in this division, vehicular manslaughter is a misdemeanor of the 598  
second degree. Vehicular manslaughter is a misdemeanor of the 599  
first degree if, at the time of the offense, the offender was 600  
driving under a suspension or cancellation imposed under Chapter 601  
4510. or any other provision of the Revised Code or was 602  
operating a motor vehicle or motorcycle, did not have a valid 603  
driver's license, commercial driver's license, temporary 604  
instruction permit, probationary license, or nonresident 605  
operating privilege, and was not eligible for renewal of the 606  
offender's driver's license or commercial driver's license 607  
without examination under section 4507.10 of the Revised Code or 608  
if the offender previously has been convicted of or pleaded 609  
guilty to a violation of this section or any traffic-related 610  
homicide, manslaughter, or assault offense. 611

In addition to any other sanctions imposed pursuant to 612  
this division, the court shall impose upon the offender a class 613  
six suspension of the offender's driver's license, commercial 614

driver's license, temporary instruction permit, probationary 615  
license, or nonresident operating privilege from the range 616  
specified in division (A) (6) of section 4510.02 of the Revised 617  
Code or, if the offender previously has been convicted of or 618  
pleaded guilty to a violation of this section, any traffic- 619  
related homicide, manslaughter, or assault offense, or a 620  
traffic-related murder, felonious assault, or attempted murder 621  
offense, a class four suspension of the offender's driver's 622  
license, commercial driver's license, temporary instruction 623  
permit, probationary license, or nonresident operating privilege 624  
from the range specified in division (A) (4) of that section. 625

(E) The court shall impose a mandatory prison term on an 626  
offender who is convicted of or pleads guilty to a violation of 627  
division (A) (1) of this section. If division (B) (2) (c) (i), (ii), 628  
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 629  
to an offender who is convicted of or pleads guilty to the 630  
violation of division (A) (1) of this section, the court shall 631  
impose the mandatory prison term pursuant to section 2929.142 of 632  
the Revised Code. The court shall impose a mandatory jail term 633  
of at least fifteen days on an offender who is convicted of or 634  
pleads guilty to a misdemeanor violation of division (A) (3) (b) 635  
of this section and may impose upon the offender a longer jail 636  
term as authorized pursuant to section 2929.24 of the Revised 637  
Code. The court shall impose a mandatory prison term on an 638  
offender who is convicted of or pleads guilty to a violation of 639  
division (A) (2) or (3) (a) of this section or a felony violation 640  
of division (A) (3) (b) of this section if either of the following 641  
applies: 642

(1) The offender previously has been convicted of or 643  
pleaded guilty to a violation of this section or section 2903.08 644  
of the Revised Code. 645

(2) At the time of the offense, the offender was driving 646  
under suspension or cancellation under Chapter 4510. or any 647  
other provision of the Revised Code or was operating a motor 648  
vehicle or motorcycle, did not have a valid driver's license, 649  
commercial driver's license, temporary instruction permit, 650  
probationary license, or nonresident operating privilege, and 651  
was not eligible for renewal of the offender's driver's license 652  
or commercial driver's license without examination under section 653  
4507.10 of the Revised Code. 654

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 655  
apply in a particular construction zone unless signs of the type 656  
described in section 2903.081 of the Revised Code are erected in 657  
that construction zone in accordance with the guidelines and 658  
design specifications established by the director of 659  
transportation under section 5501.27 of the Revised Code. The 660  
failure to erect signs of the type described in section 2903.081 661  
of the Revised Code in a particular construction zone in 662  
accordance with those guidelines and design specifications does 663  
not limit or affect the application of division (A) (1), (A) (2) 664  
(a), (A) (3) (a), or (A) (4) of this section in that construction 665  
zone or the prosecution of any person who violates any of those 666  
divisions in that construction zone. 667

(G) (1) As used in this section: 668

(a) "Mandatory prison term" and "mandatory jail term" have 669  
the same meanings as in section 2929.01 of the Revised Code. 670

(b) "Traffic-related homicide, manslaughter, or assault 671  
offense" means a violation of section 2903.04 of the Revised 672  
Code in circumstances in which division (D) of that section 673  
applies, a violation of section 2903.06 or 2903.08 of the 674  
Revised Code, or a violation of section 2903.06, 2903.07, or 675

2903.08 of the Revised Code as they existed prior to March 23, 676  
2000. 677

(c) "Construction zone" has the same meaning as in section 678  
5501.27 of the Revised Code. 679

(d) "Reckless operation offense" means a violation of 680  
section 4511.20 of the Revised Code or a municipal ordinance 681  
substantially equivalent to section 4511.20 of the Revised Code. 682

(e) "Speeding offense" means a violation of section 683  
4511.21 of the Revised Code or a municipal ordinance pertaining 684  
to speed. 685

(f) "Traffic-related murder, felonious assault, or 686  
attempted murder offense" means a violation of section 2903.01 687  
or 2903.02 of the Revised Code in circumstances in which the 688  
offender used a motor vehicle as the means to commit the 689  
violation, a violation of division (A) (2) of section 2903.11 of 690  
the Revised Code in circumstances in which the deadly weapon 691  
used in the commission of the violation is a motor vehicle, or 692  
an attempt to commit aggravated murder or murder in violation of 693  
section 2923.02 of the Revised Code in circumstances in which 694  
the offender used a motor vehicle as the means to attempt to 695  
commit the aggravated murder or murder. 696

(g) "Motor vehicle" has the same meaning as in section 697  
4501.01 of the Revised Code. 698

(2) For the purposes of this section, when a penalty or 699  
suspension is enhanced because of a prior or current violation 700  
of a specified law or a prior or current specified offense, the 701  
reference to the violation of the specified law or the specified 702  
offense includes any violation of any substantially equivalent 703  
municipal ordinance, former law of this state, or current or 704



former law of another state or the United States. 705

**Sec. 2903.08.** (A) No person, while operating or 706  
participating in the operation of a motor vehicle, motorcycle, 707  
snowmobile, locomotive, watercraft, or aircraft, shall cause 708  
serious physical harm to another person or another's unborn in 709  
any of the following ways: 710

(1) (a) As the proximate result of committing a violation 711  
of division (A) of section 4511.19 of the Revised Code or of a 712  
substantially equivalent municipal ordinance; 713

(b) As the proximate result of committing a violation of 714  
division (A) of section 1547.11 of the Revised Code or of a 715  
substantially equivalent municipal ordinance; 716

(c) As the proximate result of committing a violation of 717  
division (A) (3) of section 4561.15 of the Revised Code or of a 718  
substantially equivalent municipal ordinance. 719

(2) In one of the following ways: 720

(a) As the proximate result of committing, while operating 721  
or participating in the operation of a motor vehicle or 722  
motorcycle in a construction zone, a reckless operation offense, 723  
provided that this division applies only if the person to whom 724  
the serious physical harm is caused or to whose unborn the 725  
serious physical harm is caused is in the construction zone at 726  
the time of the offender's commission of the reckless operation 727  
offense in the construction zone and does not apply as described 728  
in division (E) of this section; 729

(b) Recklessly. 730

(3) As the proximate result of committing, while operating 731  
or participating in the operation of a motor vehicle or 732

motorcycle in a construction zone, a speeding offense, provided 733  
that this division applies only if the person to whom the 734  
serious physical harm is caused or to whose unborn the serious 735  
physical harm is caused is in the construction zone at the time 736  
of the offender's commission of the speeding offense in the 737  
construction zone and does not apply as described in division 738  
(E) of this section. 739

(B) (1) Whoever violates division (A) (1) of this section is 740  
guilty of aggravated vehicular assault. Except as otherwise 741  
provided in this division, aggravated vehicular assault is a 742  
felony of the third degree. Aggravated vehicular assault is a 743  
felony of the second degree if any of the following apply: 744

(a) At the time of the offense, the offender was driving 745  
under a suspension imposed under Chapter 4510. or any other 746  
provision of the Revised Code. 747

(b) The offender previously has been convicted of or 748  
pleaded guilty to a violation of this section. 749

(c) The offender previously has been convicted of or 750  
pleaded guilty to any traffic-related homicide, manslaughter, or 751  
assault offense. 752

(d) The offender previously has been convicted of or 753  
pleaded guilty to three or more prior violations of section 754  
4511.19 of the Revised Code or a substantially equivalent 755  
municipal ordinance within the previous ~~six~~-ten years. 756

(e) The offender previously has been convicted of or 757  
pleaded guilty to three or more prior violations of division (A) 758  
of section 1547.11 of the Revised Code or of a substantially 759  
equivalent municipal ordinance within the previous ~~six~~-ten 760  
years. 761

(f) The offender previously has been convicted of or 762  
pleaded guilty to three or more prior violations of division (A) 763  
(3) of section 4561.15 of the Revised Code or of a substantially 764  
equivalent municipal ordinance within the previous ~~six~~-ten 765  
years. 766

(g) The offender previously has been convicted of or 767  
pleaded guilty to three or more prior violations of any 768  
combination of the offenses listed in division (B) (1) (d), (e), 769  
or (f) of this section. 770

(h) The offender previously has been convicted of or 771  
pleaded guilty to a second or subsequent felony violation of 772  
division (A) of section 4511.19 of the Revised Code. 773

(2) In addition to any other sanctions imposed pursuant to 774  
division (B) (1) of this section, except as otherwise provided in 775  
this division, the court shall impose upon the offender a class 776  
three suspension of the offender's driver's license, commercial 777  
driver's license, temporary instruction permit, probationary 778  
license, or nonresident operating privilege from the range 779  
specified in division (A) (3) of section 4510.02 of the Revised 780  
Code. If the offender previously has been convicted of or 781  
pleaded guilty to a violation of this section, any traffic- 782  
related homicide, manslaughter, or assault offense, or any 783  
traffic-related murder, felonious assault, or attempted murder 784  
offense, the court shall impose either a class two suspension of 785  
the offender's driver's license, commercial driver's license, 786  
temporary instruction permit, probationary license, or 787  
nonresident operating privilege from the range specified in 788  
division (A) (2) of that section or a class one suspension as 789  
specified in division (A) (1) of that section. 790

(C) (1) Whoever violates division (A) (2) or (3) of this 791

section is guilty of vehicular assault and shall be punished as 792  
provided in divisions (C) (2) and (3) of this section. 793

(2) Except as otherwise provided in this division, 794  
vehicular assault committed in violation of division (A) (2) of 795  
this section is a felony of the fourth degree. Vehicular assault 796  
committed in violation of division (A) (2) of this section is a 797  
felony of the third degree if, at the time of the offense, the 798  
offender was driving under a suspension imposed under Chapter 799  
4510. or any other provision of the Revised Code, if the 800  
offender previously has been convicted of or pleaded guilty to a 801  
violation of this section or any traffic-related homicide, 802  
manslaughter, or assault offense, or if, in the same course of 803  
conduct that resulted in the violation of division (A) (2) of 804  
this section, the offender also violated section 4549.02, 805  
4549.021, or 4549.03 of the Revised Code. 806

In addition to any other sanctions imposed, the court 807  
shall impose upon the offender a class four suspension of the 808  
offender's driver's license, commercial driver's license, 809  
temporary instruction permit, probationary license, or 810  
nonresident operating privilege from the range specified in 811  
division (A) (4) of section 4510.02 of the Revised Code or, if 812  
the offender previously has been convicted of or pleaded guilty 813  
to a violation of this section, any traffic-related homicide, 814  
manslaughter, or assault offense, or any traffic-related murder, 815  
felonious assault, or attempted murder offense, a class three 816  
suspension of the offender's driver's license, commercial 817  
driver's license, temporary instruction permit, probationary 818  
license, or nonresident operating privilege from the range 819  
specified in division (A) (3) of that section. 820

(3) Except as otherwise provided in this division, 821

vehicular assault committed in violation of division (A) (3) of 822  
this section is a misdemeanor of the first degree. Vehicular 823  
assault committed in violation of division (A) (3) of this 824  
section is a felony of the fourth degree if, at the time of the 825  
offense, the offender was driving under a suspension imposed 826  
under Chapter 4510. or any other provision of the Revised Code 827  
or if the offender previously has been convicted of or pleaded 828  
guilty to a violation of this section or any traffic-related 829  
homicide, manslaughter, or assault offense. 830

In addition to any other sanctions imposed, the court 831  
shall impose upon the offender a class four suspension of the 832  
offender's driver's license, commercial driver's license, 833  
temporary instruction permit, probationary license, or 834  
nonresident operating privilege from the range specified in 835  
division (A) (4) of section 4510.02 of the Revised Code or, if 836  
the offender previously has been convicted of or pleaded guilty 837  
to a violation of this section, any traffic-related homicide, 838  
manslaughter, or assault offense, or any traffic-related murder, 839  
felonious assault, or attempted murder offense, a class three 840  
suspension of the offender's driver's license, commercial 841  
driver's license, temporary instruction permit, probationary 842  
license, or nonresident operating privilege from the range 843  
specified in division (A) (3) of section 4510.02 of the Revised 844  
Code. 845

(D) (1) The court shall impose a mandatory prison term on 846  
an offender who is convicted of or pleads guilty to a violation 847  
of division (A) (1) of this section. 848

(2) The court shall impose a mandatory prison term on an 849  
offender who is convicted of or pleads guilty to a violation of 850  
division (A) (2) of this section or a felony violation of 851

division (A) (3) of this section if either of the following 852  
applies: 853

(a) The offender previously has been convicted of or 854  
pleaded guilty to a violation of this section or section 2903.06 855  
of the Revised Code. 856

(b) At the time of the offense, the offender was driving 857  
under suspension under Chapter 4510. or any other provision of 858  
the Revised Code. 859

(3) The court shall impose a mandatory jail term of at 860  
least seven days on an offender who is convicted of or pleads 861  
guilty to a misdemeanor violation of division (A) (3) of this 862  
section and may impose upon the offender a longer jail term as 863  
authorized pursuant to section 2929.24 of the Revised Code. 864

(E) Divisions (A) (2) (a) and (3) of this section do not 865  
apply in a particular construction zone unless signs of the type 866  
described in section 2903.081 of the Revised Code are erected in 867  
that construction zone in accordance with the guidelines and 868  
design specifications established by the director of 869  
transportation under section 5501.27 of the Revised Code. The 870  
failure to erect signs of the type described in section 2903.081 871  
of the Revised Code in a particular construction zone in 872  
accordance with those guidelines and design specifications does 873  
not limit or affect the application of division (A) (1) or (2) (b) 874  
of this section in that construction zone or the prosecution of 875  
any person who violates either of those divisions in that 876  
construction zone. 877

(F) As used in this section: 878

(1) "Mandatory prison term" and "mandatory jail term" have 879  
the same meanings as in section 2929.01 of the Revised Code. 880

(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code. 881  
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(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 885  
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(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code. 887  
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(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States. 890  
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**Sec. 2929.142.** Notwithstanding the definite prison term specified in division (A) of section 2929.14 of the Revised Code for a felony of the first degree, if an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code, the court shall impose upon the offender a mandatory prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years if any of the following apply: 897  
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(A) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ~~six~~ten years. 905  
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(B) The offender previously has been convicted of or 909

pleaded guilty to three or more prior violations of division (A) 910  
of section 1547.11 of the Revised Code or of a substantially 911  
equivalent municipal ordinance within the previous ~~six~~-ten 912  
years. 913

(C) The offender previously has been convicted of or 914  
pleaded guilty to three or more prior violations of division (A) 915  
(3) of section 4561.15 of the Revised Code or of a substantially 916  
equivalent municipal ordinance within the previous ~~six~~-ten 917  
years. 918

(D) The offender previously has been convicted of or 919  
pleaded guilty to three or more prior violations of division (A) 920  
(1) of section 2903.06 of the Revised Code. 921

(E) The offender previously has been convicted of or 922  
pleaded guilty to three or more prior violations of division (A) 923  
(1) of section 2903.08 of the Revised Code. 924

(F) The offender previously has been convicted of or 925  
pleaded guilty to three or more prior violations of section 926  
2903.04 of the Revised Code in circumstances in which division 927  
(D) of that section applied regarding the violations. 928

(G) The offender previously has been convicted of or 929  
pleaded guilty to three or more violations of any combination of 930  
the offenses listed in division (A), (B), (C), (D), (E), or (F) 931  
of this section. 932

(H) The offender previously has been convicted of or 933  
pleaded guilty to a second or subsequent felony violation of 934  
division (A) of section 4511.19 of the Revised Code. 935

**Sec. 2951.01.** As used in this chapter: 936

(A) "Magistrate" has the same meaning as in section 937



2931.01 of the Revised Code.	938
(B) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.	939 940
(C) "Ignition interlock device" has the same meaning as in section <del>4511.83</del> <u>4510.01</u> of the Revised Code.	941 942
(D) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.	943 944 945
(E) "Probation agency" means a county department of probation, a multicounty department of probation, a municipal court department of probation established under section 1901.33 of the Revised Code, or the adult parole authority.	946 947 948 949
(F) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code.	950 951 952
(G) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	953 954
(H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code.	955 956
(I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	957 958
(J) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	959 960
(K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	961 962 963
<b>Sec. 2951.02.</b> (A) During the period of a misdemeanor	964

offender's community control sanction or during the period of a 965  
felony offender's nonresidential sanction, authorized probation 966  
officers who are engaged within the scope of their supervisory 967  
duties or responsibilities may search, with or without a 968  
warrant, the person of the offender, the place of residence of 969  
the offender, and a motor vehicle, another item of tangible or 970  
intangible personal property, or other real property in which 971  
the offender has a right, title, or interest or for which the 972  
offender has the express or implied permission of a person with 973  
a right, title, or interest to use, occupy, or possess if the 974  
probation officers have reasonable grounds to believe that the 975  
offender is not abiding by the law or otherwise is not complying 976  
with the conditions of the misdemeanor offender's community 977  
control sanction or the conditions of the felony offender's 978  
nonresidential sanction. If a felony offender who is sentenced 979  
to a nonresidential sanction is under the general control and 980  
supervision of the adult parole authority, as described in 981  
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 982  
parole authority field officers with supervisory 983  
responsibilities over the felony offender shall have the same 984  
search authority relative to the felony offender during the 985  
period of the sanction that is described under this division for 986  
probation officers. The court that places the misdemeanor 987  
offender under a community control sanction pursuant to section 988  
2929.25 of the Revised Code or that sentences the felony 989  
offender to a nonresidential sanction pursuant to section 990  
2929.17 of the Revised Code shall provide the offender with a 991  
written notice that informs the offender that authorized 992  
probation officers or adult parole authority field officers with 993  
supervisory responsibilities over the offender who are engaged 994  
within the scope of their supervisory duties or responsibilities 995  
may conduct those types of searches during the period of 996

community control sanction or the nonresidential sanction if 997  
they have reasonable grounds to believe that the offender is not 998  
abiding by the law or otherwise is not complying with the 999  
conditions of the offender's community control sanction or 1000  
nonresidential sanction. 1001

(B) If an offender is convicted of or pleads guilty to a 1002  
misdemeanor, the court may require the offender, as a condition 1003  
of the offender's sentence of a community control sanction, to 1004  
perform supervised community service work in accordance with 1005  
this division. If an offender is convicted of or pleads guilty 1006  
to a felony, the court, pursuant to sections 2929.15 and 2929.17 1007  
of the Revised Code, may impose a sanction that requires the 1008  
offender to perform supervised community service work in 1009  
accordance with this division. The supervised community service 1010  
work shall be under the authority of health districts, park 1011  
districts, counties, municipal corporations, townships, other 1012  
political subdivisions of the state, or agencies of the state or 1013  
any of its political subdivisions, or under the authority of 1014  
charitable organizations that render services to the community 1015  
or its citizens, in accordance with this division. The court may 1016  
require an offender who is ordered to perform the work to pay to 1017  
it a reasonable fee to cover the costs of the offender's 1018  
participation in the work, including, but not limited to, the 1019  
costs of procuring a policy or policies of liability insurance 1020  
to cover the period during which the offender will perform the 1021  
work. 1022

A court may permit any offender convicted of a felony or a 1023  
misdemeanor to satisfy the payment of a fine imposed for the 1024  
offense pursuant to section 2929.18 or 2929.28 of the Revised 1025  
Code by performing supervised community service work as 1026  
described in this division if the offender requests an 1027

opportunity to satisfy the payment by this means and if the 1028  
court determines that the offender is financially unable to pay 1029  
the fine. 1030

After imposing a term of community service, the court may 1031  
modify the sentence to authorize a reasonable contribution to 1032  
the appropriate general fund as provided in division (B) of 1033  
section 2929.27 of the Revised Code. 1034

The supervised community service work that may be imposed 1035  
under this division shall be subject to the following 1036  
limitations: 1037

(1) The court shall fix the period of the work and, if 1038  
necessary, shall distribute it over weekends or over other 1039  
appropriate times that will allow the offender to continue at 1040  
the offender's occupation or to care for the offender's family. 1041  
The period of the work as fixed by the court shall not exceed in 1042  
the aggregate the number of hours of community service imposed 1043  
by the court pursuant to section 2929.17 or 2929.27 of the 1044  
Revised Code. 1045

(2) An agency, political subdivision, or charitable 1046  
organization must agree to accept the offender for the work 1047  
before the court requires the offender to perform the work for 1048  
the entity. A court shall not require an offender to perform 1049  
supervised community service work for an agency, political 1050  
subdivision, or charitable organization at a location that is an 1051  
unreasonable distance from the offender's residence or domicile, 1052  
unless the offender is provided with transportation to the 1053  
location where the work is to be performed. 1054

(3) A court may enter into an agreement with a county 1055  
department of job and family services for the management, 1056

placement, and supervision of offenders eligible for community 1057  
service work in work activities, developmental activities, and 1058  
alternative work activities under sections 5107.40 to 5107.69 of 1059  
the Revised Code. If a court and a county department of job and 1060  
family services have entered into an agreement of that nature, 1061  
the clerk of that court is authorized to pay directly to the 1062  
county department all or a portion of the fees collected by the 1063  
court pursuant to this division in accordance with the terms of 1064  
its agreement. 1065

(4) Community service work that a court requires under 1066  
this division shall be supervised by an official of the agency, 1067  
political subdivision, or charitable organization for which the 1068  
work is performed or by a person designated by the agency, 1069  
political subdivision, or charitable organization. The official 1070  
or designated person shall be qualified for the supervision by 1071  
education, training, or experience, and periodically shall 1072  
report, in writing, to the court and to the offender's probation 1073  
officer concerning the conduct of the offender in performing the 1074  
work. 1075

(5) The total of any period of supervised community 1076  
service work imposed on an offender under division (B) of this 1077  
section plus the period of all other sanctions imposed pursuant 1078  
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 1079  
Revised Code for a felony, or pursuant to sections 2929.25, 1080  
2929.26, 2929.27, and 2929.28 of the Revised Code for a 1081  
misdemeanor, shall not exceed five years. 1082

(C) (1) If an offender is convicted of a violation of 1083  
section 4511.19 of the Revised Code or a substantially similar 1084  
~~municipal ordinance relating to operating a vehicle while under~~ 1085  
~~the influence of alcohol, a drug of abuse, or a combination of~~ 1086

~~them, or a municipal ordinance relating to operating a vehicle~~ 1087  
~~with a prohibited concentration of alcohol, a controlled~~ 1088  
~~substance, or a metabolite of a controlled substance in the~~ 1089  
~~whole blood, blood serum or plasma, breath, or urine, the court~~ 1090  
may require, as a condition of a community control sanction, ~~any~~ 1091  
~~suspension of a driver's or commercial driver's license or~~ 1092  
~~permit or nonresident operating privilege, and all other~~ 1093  
~~penalties provided by law or by ordinance,~~ that the offender 1094  
operate only a motor vehicle equipped with an ignition interlock 1095  
device that is certified pursuant to section 4510.43 of the 1096  
Revised Code. 1097

(2) If a court requires an offender, as a condition of a 1098  
community control sanction pursuant to division (C) (1) of this 1099  
section, to operate only a motor vehicle equipped with an 1100  
ignition interlock device that is certified pursuant to section 1101  
4510.43 of the Revised Code, the offender immediately shall 1102  
surrender the offender's driver's or commercial driver's license 1103  
or permit to the court. Upon the receipt of the offender's 1104  
license or permit, the court shall issue an order authorizing 1105  
the offender to operate a motor vehicle equipped with a 1106  
certified ignition interlock device, and deliver the offender's 1107  
license or permit to the bureau registrar of motor vehicles, ~~and~~ 1108  
~~include in the abstract of the case forwarded to the bureau~~ 1109  
~~pursuant to section 4510.036 of the Revised Code the conditions~~ 1110  
~~of the community control sanction imposed pursuant to division~~ 1111  
~~(C) (1) of this section.~~ The court also shall give the offender a 1112  
copy of its order, ~~and that copy shall be used by the offender~~ 1113  
~~in lieu of a driver's or commercial driver's license or permit~~ 1114  
~~until the bureau issues for purposes of obtaining a restricted~~ 1115  
~~license to the offender.~~ 1116

(3) An offender shall present to the registrar or to a 1117

deputy registrar the copy of the order issued under division (C) 1118  
of this section and a certificate affirming the installation of 1119  
an ignition interlock device that is in a form established by 1120  
the director of public safety and that is signed by the person 1121  
who installed the device. Upon receipt of an offender's driver's 1122  
or commercial driver's license or permit pursuant to division 1123  
(C) (2) of this section presentation of the order and 1124  
certificate, the bureau of motor vehicles registrar or deputy 1125  
registrar shall issue a restricted license to the offender, 1126  
unless the offender's driver's license or commercial driver's 1127  
license or permit is suspended under any other provision of law 1128  
and limited driving privileges have not been granted with regard 1129  
to that suspension. The restricted license shall be identical to 1130  
the surrendered license, except that it shall have printed on 1131  
its face a statement that the offender is prohibited from 1132  
operating a motor vehicle that is not equipped with an ignition 1133  
interlock device that is certified pursuant to section 4510.43 1134  
of the Revised Code. The ~~bureau~~ registrar shall deliver the 1135  
offender's surrendered license or permit to the court upon 1136  
receipt of a court order requiring it to do so, or reissue the 1137  
offender's license or permit under section 4510.52 of the 1138  
Revised Code if the registrar destroyed the offender's license 1139  
or permit under that section. The offender shall surrender the 1140  
restricted license to the court upon receipt of the offender's 1141  
surrendered license or permit. 1142

(4) If an offender violates a requirement of the court 1143  
imposed under division (C) (1) of this section, the court may 1144  
impose a class seven suspension of the offender's driver's or 1145  
commercial driver's license or permit or nonresident operating 1146  
privilege from the range specified in division (A) (7) of section 1147  
4510.02 of the Revised Code. On a second or subsequent 1148

violation, the court may impose a class four suspension of the 1149  
offender's driver's or commercial driver's license or permit or 1150  
nonresident operating privilege from the range specified in 1151  
division (A) (4) of section 4510.02 of the Revised Code. 1152

**Sec. 3327.10.** (A) No person shall be employed as driver of 1153  
a school bus or motor van, owned and operated by any school 1154  
district or educational service center or privately owned and 1155  
operated under contract with any school district or service 1156  
center in this state, who has not received a certificate from 1157  
either the educational service center governing board that has 1158  
entered into an agreement with the school district under section 1159  
3313.843 or 3313.845 of the Revised Code or the superintendent 1160  
of the school district, certifying that such person is at least 1161  
eighteen years of age and is of good moral character and is 1162  
qualified physically and otherwise for such position. The 1163  
service center governing board or the superintendent, as the 1164  
case may be, shall provide for an annual physical examination 1165  
that conforms with rules adopted by the state board of education 1166  
of each driver to ascertain the driver's physical fitness for 1167  
such employment. Any certificate may be revoked by the authority 1168  
granting the same on proof that the holder has been guilty of 1169  
failing to comply with division (D) (1) of this section, or upon 1170  
a conviction or a guilty plea for a violation, or any other 1171  
action, that results in a loss or suspension of driving rights. 1172  
Failure to comply with such division may be cause for 1173  
disciplinary action or termination of employment under division 1174  
(C) of section 3319.081, or section 124.34 of the Revised Code. 1175

(B) No person shall be employed as driver of a school bus 1176  
or motor van not subject to the rules of the department of 1177  
education pursuant to division (A) of this section who has not 1178  
received a certificate from the school administrator or 1179



contractor certifying that such person is at least eighteen 1180  
years of age, is of good moral character, and is qualified 1181  
physically and otherwise for such position. Each driver shall 1182  
have an annual physical examination which conforms to the state 1183  
highway patrol rules, ascertaining the driver's physical fitness 1184  
for such employment. The examination shall be performed by one 1185  
of the following: 1186

(1) A person licensed under Chapter 4731. of the Revised 1187  
Code or by another state to practice medicine and surgery or 1188  
osteopathic medicine and surgery; 1189

(2) A physician assistant; 1190

(3) A certified nurse practitioner; 1191

(4) A clinical nurse specialist; 1192

(5) A certified nurse-midwife. 1193

Any written documentation of the physical examination 1194  
shall be completed by the individual who performed the 1195  
examination. 1196

Any certificate may be revoked by the authority granting 1197  
the same on proof that the holder has been guilty of failing to 1198  
comply with division (D) (2) of this section. 1199

(C) Any person who drives a school bus or motor van must 1200  
give satisfactory and sufficient bond except a driver who is an 1201  
employee of a school district and who drives a bus or motor van 1202  
owned by the school district. 1203

(D) No person employed as driver of a school bus or motor 1204  
van under this section who is convicted of a traffic violation 1205  
or who has had the person's commercial driver's license 1206  
suspended shall drive a school bus or motor van until the person 1207

has filed a written notice of the conviction or suspension, as 1208  
follows: 1209

(1) If the person is employed under division (A) of this 1210  
section, the person shall file the notice with the 1211  
superintendent, or a person designated by the superintendent, of 1212  
the school district for which the person drives a school bus or 1213  
motor van as an employee or drives a privately owned and 1214  
operated school bus or motor van under contract. 1215

(2) If employed under division (B) of this section, the 1216  
person shall file the notice with the employing school 1217  
administrator or contractor, or a person designated by the 1218  
administrator or contractor. 1219

(E) In addition to resulting in possible revocation of a 1220  
certificate as authorized by divisions (A) and (B) of this 1221  
section, violation of division (D) of this section is a minor 1222  
misdemeanor. 1223

(F) (1) Not later than thirty days after June 30, 2007, 1224  
each owner of a school bus or motor van shall obtain the 1225  
complete driving record for each person who is currently 1226  
employed or otherwise authorized to drive the school bus or 1227  
motor van. An owner of a school bus or motor van shall not 1228  
permit a person to operate the school bus or motor van for the 1229  
first time before the owner has obtained the person's complete 1230  
driving record. Thereafter, the owner of a school bus or motor 1231  
van shall obtain the person's driving record not less frequently 1232  
than semiannually if the person remains employed or otherwise 1233  
authorized to drive the school bus or motor van. An owner of a 1234  
school bus or motor van shall not permit a person to resume 1235  
operating a school bus or motor van, after an interruption of 1236  
one year or longer, before the owner has obtained the person's 1237

complete driving record. 1238

(2) The owner of a school bus or motor van shall not 1239  
permit a person to operate the school bus or motor van for ~~six-~~ 1240  
ten years after the date on which the person pleads guilty to or 1241  
is convicted of a violation of section 4511.19 of the Revised 1242  
Code or a substantially equivalent municipal ordinance. 1243

(3) An owner of a school bus or motor van shall not permit 1244  
any person to operate such a vehicle unless the person meets all 1245  
other requirements contained in rules adopted by the state board 1246  
of education prescribing qualifications of drivers of school 1247  
buses and other student transportation. 1248

(G) No superintendent of a school district, educational 1249  
service center, community school, or public or private employer 1250  
shall permit the operation of a vehicle used for pupil 1251  
transportation within this state by an individual unless both of 1252  
the following apply: 1253

(1) Information pertaining to that driver has been 1254  
submitted to the department of education, pursuant to procedures 1255  
adopted by that department. Information to be reported shall 1256  
include the name of the employer or school district, name of the 1257  
driver, driver license number, date of birth, date of hire, 1258  
status of physical evaluation, and status of training. 1259

(2) The most recent criminal records check required by 1260  
division (J) of this section has been completed and received by 1261  
the superintendent or public or private employer. 1262

(H) A person, school district, educational service center, 1263  
community school, nonpublic school, or other public or nonpublic 1264  
entity that owns a school bus or motor van, or that contracts 1265  
with another entity to operate a school bus or motor van, may 1266

impose more stringent restrictions on drivers than those 1267  
prescribed in this section, in any other section of the Revised 1268  
Code, and in rules adopted by the state board. 1269

(I) For qualified drivers who, on July 1, 2007, are 1270  
employed by the owner of a school bus or motor van to drive the 1271  
school bus or motor van, any instance in which the driver was 1272  
convicted of or pleaded guilty to a violation of section 4511.19 1273  
of the Revised Code or a substantially equivalent municipal 1274  
ordinance prior to two years prior to July 1, 2007, shall not be 1275  
considered a disqualifying event with respect to division (F) of 1276  
this section. 1277

(J) (1) This division applies to persons hired by a school 1278  
district, educational service center, community school, 1279  
chartered nonpublic school, or science, technology, engineering, 1280  
and mathematics school established under Chapter 3326. of the 1281  
Revised Code to operate a vehicle used for pupil transportation. 1282

For each person to whom this division applies who is hired 1283  
on or after November 14, 2007, the employer shall request a 1284  
criminal records check in accordance with section 3319.39 of the 1285  
Revised Code and every six years thereafter. For each person to 1286  
whom this division applies who is hired prior to that date, the 1287  
employer shall request a criminal records check by a date 1288  
prescribed by the department of education and every six years 1289  
thereafter. 1290

(2) This division applies to persons hired by a public or 1291  
private employer not described in division (J) (1) of this 1292  
section to operate a vehicle used for pupil transportation. 1293

For each person to whom this division applies who is hired 1294  
on or after November 14, 2007, the employer shall request a 1295

criminal records check prior to the person's hiring and every 1296  
six years thereafter. For each person to whom this division 1297  
applies who is hired prior to that date, the employer shall 1298  
request a criminal records check by a date prescribed by the 1299  
department and every six years thereafter. 1300

(3) Each request for a criminal records check under 1301  
division (J) of this section shall be made to the superintendent 1302  
of the bureau of criminal identification and investigation in 1303  
the manner prescribed in section 3319.39 of the Revised Code, 1304  
except that if both of the following conditions apply to the 1305  
person subject to the records check, the employer shall request 1306  
the superintendent only to obtain any criminal records that the 1307  
federal bureau of investigation has on the person: 1308

(a) The employer previously requested the superintendent 1309  
to determine whether the bureau of criminal identification and 1310  
investigation has any information, gathered pursuant to division 1311  
(A) of section 109.57 of the Revised Code, on the person in 1312  
conjunction with a criminal records check requested under 1313  
section 3319.39 of the Revised Code or under division (J) of 1314  
this section. 1315

(b) The person presents proof that the person has been a 1316  
resident of this state for the five-year period immediately 1317  
prior to the date upon which the person becomes subject to a 1318  
criminal records check under this section. 1319

Upon receipt of a request, the superintendent shall 1320  
conduct the criminal records check in accordance with section 1321  
109.572 of the Revised Code as if the request had been made 1322  
under section 3319.39 of the Revised Code. However, as specified 1323  
in division (B) (2) of section 109.572 of the Revised Code, if 1324  
the employer requests the superintendent only to obtain any 1325

criminal records that the federal bureau of investigation has on 1326  
the person for whom the request is made, the superintendent 1327  
shall not conduct the review prescribed by division (B) (1) of 1328  
that section. 1329

(K) (1) Until the effective date of the amendments to rule 1330  
3301-83-23 of the Ohio Administrative Code required by the 1331  
second paragraph of division (E) of section 3319.39 of the 1332  
Revised Code, any person who is the subject of a criminal 1333  
records check under division (J) of this section and has been 1334  
convicted of or pleaded guilty to any offense described in 1335  
division (B) (1) of section 3319.39 of the Revised Code shall not 1336  
be hired or shall be released from employment, as applicable, 1337  
unless the person meets the rehabilitation standards prescribed 1338  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 1339  
Administrative Code. 1340

(2) Beginning on the effective date of the amendments to 1341  
rule 3301-83-23 of the Ohio Administrative Code required by the 1342  
second paragraph of division (E) of section 3319.39 of the 1343  
Revised Code, any person who is the subject of a criminal 1344  
records check under division (J) of this section and has been 1345  
convicted of or pleaded guilty to any offense that, under the 1346  
rule, disqualifies a person for employment to operate a vehicle 1347  
used for pupil transportation shall not be hired or shall be 1348  
released from employment, as applicable, unless the person meets 1349  
the rehabilitation standards prescribed by the rule. 1350

**Sec. 4505.11.** This section shall also apply to all-purpose 1351  
vehicles and off-highway motorcycles as defined in section 1352  
4519.01 of the Revised Code. 1353

(A) Each owner of a motor vehicle and each person 1354  
mentioned as owner in the last certificate of title, when the 1355

motor vehicle is dismantled, destroyed, or changed in such 1356  
manner that it loses its character as a motor vehicle, or 1357  
changed in such manner that it is not the motor vehicle 1358  
described in the certificate of title, shall surrender the 1359  
certificate of title to that motor vehicle to a clerk of a court 1360  
of common pleas, and the clerk, with the consent of any holders 1361  
of any liens noted on the certificate of title, then shall enter 1362  
a cancellation upon the clerk's records and shall notify the 1363  
registrar of motor vehicles of the cancellation. 1364

Upon the cancellation of a certificate of title in the 1365  
manner prescribed by this section, any clerk and the registrar 1366  
of motor vehicles may cancel and destroy all certificates and 1367  
all memorandum certificates in that chain of title. 1368

(B) (1) If an Ohio certificate of title or salvage 1369  
certificate of title to a motor vehicle is assigned to a salvage 1370  
dealer, the dealer is not required to obtain an Ohio certificate 1371  
of title or a salvage certificate of title to the motor vehicle 1372  
in the dealer's own name if the dealer dismantles or destroys 1373  
the motor vehicle, indicates the number of the dealer's motor 1374  
vehicle salvage dealer's license on it, marks "FOR DESTRUCTION" 1375  
across the face of the certificate of title or salvage 1376  
certificate of title, and surrenders the certificate of title or 1377  
salvage certificate of title to a clerk of a court of common 1378  
pleas as provided in division (A) of this section. If the 1379  
salvage dealer retains the motor vehicle for resale, the dealer 1380  
shall make application for a salvage certificate of title to the 1381  
motor vehicle in the dealer's own name as provided in division 1382  
(C) (1) of this section. 1383

(2) At the time any salvage motor vehicle is sold at 1384  
auction or through a pool, the salvage motor vehicle auction or 1385

salvage motor vehicle pool shall give a copy of the salvage 1386  
certificate of title or a copy of the certificate of title 1387  
marked "FOR DESTRUCTION" to the purchaser. 1388

(C) (1) When an insurance company declares it economically 1389  
impractical to repair such a motor vehicle and has paid an 1390  
agreed price for the purchase of the motor vehicle to any 1391  
insured or claimant owner, the insurance company shall proceed 1392  
as follows: 1393

(a) If an insurance company receives the certificate of 1394  
title and the motor vehicle, within thirty business days, the 1395  
insurance company shall deliver the certificate of title to a 1396  
clerk of a court of common pleas and shall make application for 1397  
a salvage certificate of title. 1398

(b) If an insurance company obtains possession of the 1399  
motor vehicle but is unable to obtain the properly endorsed 1400  
certificate of title for the motor vehicle within thirty 1401  
business days following the vehicle's owner or lienholder's 1402  
acceptance of the insurance company's payment for the vehicle, 1403  
the insurance company may apply to the clerk of a court of 1404  
common pleas for a salvage certificate of title without 1405  
delivering the certificate of title for the motor vehicle. The 1406  
application shall be accompanied by evidence that the insurance 1407  
company has paid a total loss claim on the vehicle, a copy of 1408  
the written request for the certificate of title from the 1409  
insurance company or its designee, and proof that the request 1410  
was delivered by a nationally recognized courier service to the 1411  
last known address of the owner of the vehicle and any known 1412  
lienholder, to obtain the certificate of title. 1413

(c) Upon receipt of a properly completed application for a 1414  
salvage certificate of title as described in division (C) (1) (a) 1415



or (b) or (C) (2) of this section, the clerk shall issue the 1416  
salvage certificate of title on a form, prescribed by the 1417  
registrar, that shall be easily distinguishable from the 1418  
original certificate of title and shall bear the same 1419  
information as the original certificate of title except that it 1420  
may bear a different number than that of the original 1421  
certificate of title. The salvage certificate of title shall 1422  
include the following notice in bold lettering: 1423

"SALVAGE MOTOR VEHICLE - PURSUANT TO R.C. 4738.01." 1424

Except as provided in division (C) (3) of this section, the 1425  
salvage certificate of title shall be assigned by the insurance 1426  
company to a salvage dealer or any other person for use as 1427  
evidence of ownership upon the sale or other disposition of the 1428  
motor vehicle, and the salvage certificate of title shall be 1429  
~~transferrable~~transferable to any other person. The clerk shall 1430  
charge a fee of four dollars for the cost of processing each 1431  
salvage certificate of title. 1432

(2) If an insurance company requests that a salvage motor 1433  
vehicle auction take possession of a motor vehicle that is the 1434  
subject of an insurance claim, and subsequently the insurance 1435  
company denies coverage with respect to the motor vehicle or 1436  
does not otherwise take ownership of the motor vehicle, the 1437  
salvage motor vehicle auction may proceed as follows. After the 1438  
salvage motor vehicle auction has possession of the motor 1439  
vehicle for forty-five days, it may apply to the clerk of a 1440  
court of common pleas for a salvage certificate of title without 1441  
delivering the certificate of title for the motor vehicle. The 1442  
application shall be accompanied by a copy of the written 1443  
request that the vehicle be removed from the facility on the 1444  
salvage motor vehicle auction's letterhead, and ~~the original~~ 1445

~~certified mail, return receipt notice, addressed proof that the~~ 1446  
~~request was delivered by a nationally recognized courier service~~ 1447  
to the last known address of the owner of the vehicle and any 1448  
known lienholder, requesting that the vehicle be removed from 1449  
the facility of the salvage motor vehicle auction. Upon receipt 1450  
of a properly completed application, the clerk shall follow the 1451  
process as described in division (C)(1)(c) of this section. The 1452  
salvage certificate of title so issued shall be free and clear 1453  
of all liens. 1454

(3) If an insurance company considers a motor vehicle as 1455  
described in division (C)(1)(a) or (b) of this section to be 1456  
impossible to restore for highway operation, the insurance 1457  
company may assign the certificate of title to the motor vehicle 1458  
to a salvage dealer or scrap metal processing facility and send 1459  
the assigned certificate of title to the clerk of the court of 1460  
common pleas of any county. The insurance company shall mark the 1461  
face of the certificate of title "FOR DESTRUCTION" and shall 1462  
deliver a photocopy of the certificate of title to the salvage 1463  
dealer or scrap metal processing facility for its records. 1464

(4) If an insurance company declares it economically 1465  
impractical to repair a motor vehicle, agrees to pay to the 1466  
insured or claimant owner an amount in settlement of a claim 1467  
against a policy of motor vehicle insurance covering the motor 1468  
vehicle, and agrees to permit the insured or claimant owner to 1469  
retain possession of the motor vehicle, the insurance company 1470  
shall not pay the insured or claimant owner any amount in 1471  
settlement of the insurance claim until the owner obtains a 1472  
salvage certificate of title to the vehicle and furnishes a copy 1473  
of the salvage certificate of title to the insurance company. 1474

(D) When a self-insured organization, rental or leasing 1475

company, or secured creditor becomes the owner of a motor 1476  
vehicle that is burned, damaged, or dismantled and is determined 1477  
to be economically impractical to repair, the self-insured 1478  
organization, rental or leasing company, or secured creditor 1479  
shall do one of the following: 1480

(1) Mark the face of the certificate of title to the motor 1481  
vehicle "FOR DESTRUCTION" and surrender the certificate of title 1482  
to a clerk of a court of common pleas for cancellation as 1483  
described in division (A) of this section. The self-insured 1484  
organization, rental or leasing company, or secured creditor 1485  
then shall deliver the motor vehicle, together with a photocopy 1486  
of the certificate of title, to a salvage dealer or scrap metal 1487  
processing facility and shall cause the motor vehicle to be 1488  
dismantled, flattened, crushed, or destroyed. 1489

(2) Obtain a salvage certificate of title to the motor 1490  
vehicle in the name of the self-insured organization, rental or 1491  
leasing company, or secured creditor, as provided in division 1492  
(C)(1) of this section, and then sell or otherwise dispose of 1493  
the motor vehicle. If the motor vehicle is sold, the self- 1494  
insured organization, rental or leasing company, or secured 1495  
creditor shall obtain a salvage certificate of title to the 1496  
motor vehicle in the name of the purchaser from a clerk of a 1497  
court of common pleas. 1498

(E) If a motor vehicle titled with a salvage certificate 1499  
of title is restored for operation upon the highways, 1500  
application shall be made to a clerk of a court of common pleas 1501  
for a certificate of title. Upon inspection by the state highway 1502  
patrol, which shall include establishing proof of ownership and 1503  
an inspection of the motor number and vehicle identification 1504  
number of the motor vehicle and of documentation or receipts for 1505

the materials used in restoration by the owner of the motor 1506  
vehicle being inspected, which documentation or receipts shall 1507  
be presented at the time of inspection, the clerk, upon 1508  
surrender of the salvage certificate of title, shall issue a 1509  
certificate of title for a fee prescribed by the registrar. The 1510  
certificate of title shall be in the same form as the original 1511  
certificate of title and shall bear the words "REBUILT SALVAGE" 1512  
in black boldface letters on its face. Every subsequent 1513  
certificate of title, memorandum certificate of title, or 1514  
duplicate certificate of title issued for the motor vehicle also 1515  
shall bear the words "REBUILT SALVAGE" in black boldface letters 1516  
on its face. The exact location on the face of the certificate 1517  
of title of the words "REBUILT SALVAGE" shall be determined by 1518  
the registrar, who shall develop an automated procedure within 1519  
the automated title processing system to comply with this 1520  
division. The clerk shall use reasonable care in performing the 1521  
duties imposed on the clerk by this division in issuing a 1522  
certificate of title pursuant to this division, but the clerk is 1523  
not liable for any of the clerk's errors or omissions or those 1524  
of the clerk's deputies, or the automated title processing 1525  
system in the performance of those duties. A fee of fifty 1526  
dollars shall be assessed by the state highway patrol for each 1527  
inspection made pursuant to this division and shall be deposited 1528  
into the state highway safety fund established by section 1529  
4501.06 of the Revised Code. 1530

(F) No person shall operate upon the highways in this 1531  
state a motor vehicle, title to which is evidenced by a salvage 1532  
certificate of title, except to deliver the motor vehicle 1533  
pursuant to an appointment for an inspection under this section. 1534

(G) No motor vehicle the certificate of title to which has 1535  
been marked "FOR DESTRUCTION" and surrendered to a clerk of a 1536

court of common pleas shall be used for anything except parts 1537  
and scrap metal. 1538

(H) (1) Except as otherwise provided in this division, an 1539  
owner of a manufactured or mobile home that will be taxed as 1540  
real property pursuant to division (B) of section 4503.06 of the 1541  
Revised Code shall surrender the certificate of title to the 1542  
auditor of the county containing the taxing district in which 1543  
the home is located. An owner whose home qualifies for real 1544  
property taxation under divisions (B) (1) (a) and (b) of section 1545  
4503.06 of the Revised Code shall surrender the certificate 1546  
within fifteen days after the home meets the conditions 1547  
specified in those divisions. The auditor shall deliver the 1548  
certificate of title to the clerk of the court of common pleas 1549  
who issued it. 1550

(2) If the certificate of title for a manufactured or 1551  
mobile home that is to be taxed as real property is held by a 1552  
lienholder, the lienholder shall surrender the certificate of 1553  
title to the auditor of the county containing the taxing 1554  
district in which the home is located, and the auditor shall 1555  
deliver the certificate of title to the clerk of the court of 1556  
common pleas who issued it. The lienholder shall surrender the 1557  
certificate within thirty days after both of the following have 1558  
occurred: 1559

(a) The homeowner has provided written notice to the 1560  
lienholder requesting that the certificate of title be 1561  
surrendered to the auditor of the county containing the taxing 1562  
district in which the home is located. 1563

(b) The homeowner has either paid the lienholder the 1564  
remaining balance owed to the lienholder, or, with the 1565  
lienholder's consent, executed and delivered to the lienholder a 1566

mortgage on the home and land on which the home is sited in the 1567  
amount of the remaining balance owed to the lienholder. 1568

(3) Upon the delivery of a certificate of title by the 1569  
county auditor to the clerk, the clerk shall inactivate it and 1570  
maintain it in the automated title processing system for a 1571  
period of thirty years. 1572

(4) Upon application by the owner of a manufactured or 1573  
mobile home that is taxed as real property pursuant to division 1574  
(B) of section 4503.06 of the Revised Code and that no longer 1575  
satisfies divisions (B)(1)(a) and (b) or divisions (B)(2)(a) and 1576  
(b) of that section, the clerk shall reactivate the record of 1577  
the certificate of title that was inactivated under division (H) 1578  
(3) of this section and shall issue a new certificate of title, 1579  
but only if the application contains or has attached to it all 1580  
of the following: 1581

(a) An endorsement of the county treasurer that all real 1582  
property taxes charged against the home under Title LVII of the 1583  
Revised Code and division (B) of section 4503.06 of the Revised 1584  
Code for all preceding tax years have been paid; 1585

(b) An endorsement of the county auditor that the home 1586  
will be removed from the real property tax list; 1587

(c) Proof that there are no outstanding mortgages or other 1588  
liens on the home or, if there are such mortgages or other 1589  
liens, that the mortgagee or lienholder has consented to the 1590  
reactivation of the certificate of title. 1591

(I) (1) Whoever violates division (F) of this section shall 1592  
be fined not more than two thousand dollars, imprisoned not more 1593  
than one year, or both. 1594

(2) Whoever violates division (G) of this section shall be 1595

fined not more than one thousand dollars, imprisoned not more 1596  
than six months, or both. 1597

Sec. 4510.022. (A) As used in this section: 1598

(1) "First-time offender" means a person whose driver's 1599  
license or commercial driver's license or permit or nonresident 1600  
operating privilege has been suspended for being convicted of, 1601  
or pleading guilty to, an OVI offense under any of the 1602  
following: 1603

(a) Division (G) (1) (a) or (H) (1) of section 4511.19 of the 1604  
Revised Code; 1605

(b) Section 4510.07 of the Revised Code for a municipal 1606  
OVI offense when the offense is equivalent to an offense under 1607  
division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised 1608  
Code; 1609

(c) Division (B) or (D) of section 4510.17 of the Revised 1610  
Code when the offense is equivalent to an offense under division 1611  
(G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code. 1612

(2) "OVI offense" means a violation of section 4511.19 of 1613  
the Revised Code or a violation of a substantially similar 1614  
municipal ordinance or law of another state or the United 1615  
States. 1616

(3) "Unlimited driving privileges" means driving 1617  
privileges that are unrestricted as to purpose, time, and place, 1618  
but that are subject to any other reasonable conditions imposed 1619  
by a court under division (C) (2) of this section. 1620

(B) A first-time offender may file a petition for 1621  
unlimited driving privileges with a certified ignition interlock 1622  
device during the period of suspension imposed for an OVI 1623

offense in the same manner and in the same venue as the person 1624  
is permitted to apply for limited driving privileges. 1625

(C) (1) With regard to a first-time offender, in any 1626  
circumstance in which a court is authorized to grant limited 1627  
driving privileges under section 4510.021, 4510.13, or 4510.17 1628  
of the Revised Code during the period of suspension, as 1629  
applicable, the court may instead grant unlimited driving 1630  
privileges with a certified ignition interlock device. No court 1631  
shall grant unlimited driving privileges with a certified 1632  
ignition interlock device during any period, or under any 1633  
circumstance, that the court is prohibited from granting limited 1634  
driving privileges. 1635

(2) All of the following apply when a court grants 1636  
unlimited driving privileges with a certified ignition interlock 1637  
device to a first-time offender: 1638

(a) The court shall issue an order authorizing the first- 1639  
time offender to operate a motor vehicle only if the vehicle is 1640  
equipped with a certified ignition interlock device, except as 1641  
provided in division (C) of section 4510.43 of the Revised Code. 1642  
The order may include any reasonable conditions other than 1643  
conditions that restrict the driving privileges in terms of 1644  
purpose, time, or place. 1645

The court shall provide to the first-time offender a copy 1646  
of the order and a notice that the first-time offender is 1647  
subject to the sanctions specified in division (E) of this 1648  
section. 1649

The court also shall submit a copy of the order to the 1650  
registrar of motor vehicles. 1651

(b) The court may reduce the period of suspension imposed 1652



by the court by an amount of time not greater than half the 1653  
period of suspension. 1654

(c) The court shall suspend any jail term imposed for the 1655  
OVI offense. The court shall retain jurisdiction over the first- 1656  
time offender until the expiration of the period of suspension 1657  
imposed for the OVI offense and, if the offender violates any 1658  
term or condition of the order during the period of suspension, 1659  
the court shall require the first-time offender to serve the 1660  
jail term. 1661

(D) (1) A first-time offender shall present to the 1662  
registrar or to a deputy registrar an order issued under this 1663  
section and a certificate affirming the installation of a 1664  
certified ignition interlock device that is in a form 1665  
established by the director of public safety and that is signed 1666  
by the person who installed the device. Upon presentation of the 1667  
order and certificate to the registrar or a deputy registrar, 1668  
the registrar or deputy registrar shall issue the offender a 1669  
restricted license, unless the offender's driver's or commercial 1670  
driver's license or permit is suspended under any other 1671  
provision of law and limited driving privileges have not been 1672  
granted with regard to that suspension. A restricted license 1673  
issued under this division shall be identical to an Ohio 1674  
driver's license, except that it shall have printed on its face 1675  
a statement that the offender is prohibited from operating any 1676  
motor vehicle that is not equipped with a certified ignition 1677  
interlock device. 1678

(2) (a) No person who has been granted unlimited driving 1679  
privileges with a certified ignition interlock device under this 1680  
section shall operate a motor vehicle prior to obtaining a 1681  
restricted license. Any person who violates this prohibition is 1682

subject to the penalties prescribed in section 4510.14 of the 1683  
Revised Code. 1684

(b) The offense established under division (D) (2) (a) of 1685  
this section is a strict liability offense and section 2901.20 1686  
of the Revised Code does not apply. 1687

(E) If a first-time offender has been granted unlimited 1688  
driving privileges with a certified ignition interlock device 1689  
under this section and the first-time offender either commits an 1690  
ignition interlock device violation as defined under section 1691  
4510.46 of the Revised Code or the first-time offender operates 1692  
a motor vehicle that is not equipped with a certified ignition 1693  
interlock device, the following applies: 1694

(1) On a first violation, the court may require the first- 1695  
time offender to wear a monitor that provides continuous alcohol 1696  
monitoring that is remote. 1697

(2) On a second violation, the court shall require the 1698  
first-time offender to wear a monitor that provides continuous 1699  
alcohol monitoring that is remote for a minimum of forty days. 1700

(3) On a third or subsequent violation, the court shall 1701  
require the first-time offender to wear a monitor that provides 1702  
continuous alcohol monitoring that is remote for a minimum of 1703  
sixty days. 1704

(4) With regard to any instance, the judge may increase 1705  
the period of suspension and the period during which the first- 1706  
time offender must drive a motor vehicle equipped with a 1707  
certified ignition interlock device in the same manner as 1708  
provided in division (A) (8) (c) of section 4510.13 of the Revised 1709  
Code. The limitation under division (E) of section 4510.46 of 1710  
the Revised Code applies to an increase under division (E) (4) of 1711

this section. 1712

(5) If the instance occurred within sixty days of the end 1713  
of the suspension of the offender's driver's or commercial 1714  
driver's license or permit or nonresident operating privilege 1715  
and the court does not increase the period of the suspension 1716  
under division (E) (4) of this section, the court shall proceed 1717  
as follows: 1718

(a) Issue an order extending the period of suspension and 1719  
the period of time during which the first-time offender must 1720  
drive a vehicle equipped with a certified ignition interlock 1721  
device so that the suspension terminates sixty days from the 1722  
date the offender committed that violation. 1723

(b) For each violation subsequent to a violation for which 1724  
an extension was ordered under division (E) (5) (a) of this 1725  
section, issue an order extending the period of suspension and 1726  
the period of time during which the first-time offender must 1727  
drive a vehicle equipped with a certified ignition interlock 1728  
device so that the suspension terminates sixty days from the 1729  
date the offender committed that violation. 1730

The registrar of motor vehicles is prohibited from 1731  
reinstating a first-time offender's license unless the 1732  
applicable period of suspension has been served and no ignition 1733  
interlock device violations have been committed within the sixty 1734  
days prior to the application for reinstatement. 1735

(F) With respect to an order issued under this section, 1736  
the judge shall impose an additional court cost of two dollars 1737  
and fifty cents upon the first-time offender. The judge shall 1738  
not waive this payment unless the judge determines that the 1739  
first-time offender is indigent and waives the payment of all 1740

court costs imposed upon the indigent first-time offender. The 1741  
clerk of court shall transmit one hundred per cent of this 1742  
mandatory court cost collected during a month on or before the 1743  
twenty-third day of the following month to the state treasury to 1744  
be credited to the state highway safety fund created under 1745  
section 4501.06 of the Revised Code. The department of public 1746  
safety shall use the amounts collected to cover costs associated 1747  
with maintaining the habitual OVI/OMWI offender registry created 1748  
under section 5502.10 of the Revised Code. 1749

A judge may impose an additional court cost of two dollars 1750  
and fifty cents upon the first-time offender. The clerk of court 1751  
shall retain this discretionary two dollar and fifty cent court 1752  
cost, if imposed. The clerk shall deposit it in the court's 1753  
special projects fund that is established under division (E) (1) 1754  
of section 2303.201, division (B) (1) of section 1901.26, or 1755  
division (B) (1) of section 1907.24 of the Revised Code. 1756

**Sec. 4510.13.** (A) (1) Divisions (A) (2) to (9) of this 1757  
section apply to a judge or mayor regarding the suspension of, 1758  
or the grant of limited driving privileges during a suspension 1759  
of, an offender's driver's or commercial driver's license or 1760  
permit or nonresident operating privilege imposed under division 1761  
(G) or (H) of section 4511.19 of the Revised Code, under 1762  
division (B) or (C) of section 4511.191 of the Revised Code, or 1763  
under section 4510.07 of the Revised Code for a conviction of a 1764  
violation of a municipal OVI ordinance. 1765

(2) No judge or mayor shall suspend the following portions 1766  
of the suspension of an offender's driver's or commercial 1767  
driver's license or permit or nonresident operating privilege 1768  
imposed under division (G) or (H) of section 4511.19 of the 1769  
Revised Code or under section 4510.07 of the Revised Code for a 1770

conviction of a violation of a municipal OVI ordinance, provided 1771  
that division (A) (2) of this section does not limit a court or 1772  
mayor in crediting any period of suspension imposed pursuant to 1773  
division (B) or (C) of section 4511.191 of the Revised Code 1774  
against any time of judicial suspension imposed pursuant to 1775  
section 4511.19 or 4510.07 of the Revised Code, as described in 1776  
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 1777  
Code: 1778

(a) The first six months of a suspension imposed under 1779  
division (G) (1) (a) of section 4511.19 of the Revised Code or of 1780  
a comparable length suspension imposed under section 4510.07 of 1781  
the Revised Code; 1782

(b) The first year of a suspension imposed under division 1783  
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 1784  
comparable length suspension imposed under section 4510.07 of 1785  
the Revised Code; 1786

(c) The first three years of a suspension imposed under 1787  
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1788  
or of a comparable length suspension imposed under section 1789  
4510.07 of the Revised Code; 1790

(d) The first sixty days of a suspension imposed under 1791  
division (H) of section 4511.19 of the Revised Code or of a 1792  
comparable length suspension imposed under section 4510.07 of 1793  
the Revised Code. 1794

(3) No judge or mayor shall grant limited driving 1795  
privileges to an offender whose driver's or commercial driver's 1796  
license or permit or nonresident operating privilege has been 1797  
suspended under division (G) or (H) of section 4511.19 of the 1798  
Revised Code, under division (C) of section 4511.191 of the 1799

Revised Code, or under section 4510.07 of the Revised Code for a 1800  
municipal OVI conviction if the offender, within the preceding 1801  
~~six-ten~~ years, has been convicted of or pleaded guilty to three 1802  
or more violations of one or more of the Revised Code sections, 1803  
municipal ordinances, statutes of the United States or another 1804  
state, or municipal ordinances of a municipal corporation of 1805  
another state that are identified in divisions (G) (2) (b) to (h) 1806  
of section 2919.22 of the Revised Code. 1807

Additionally, no judge or mayor shall grant limited 1808  
driving privileges to an offender whose driver's or commercial 1809  
driver's license or permit or nonresident operating privilege 1810  
has been suspended under division (B) of section 4511.191 of the 1811  
Revised Code if the offender, within the preceding ~~six-ten~~ 1812  
years, has refused three previous requests to consent to a 1813  
chemical test of the person's whole blood, blood serum or 1814  
plasma, breath, or urine to determine its alcohol content. 1815

(4) No judge or mayor shall grant limited driving 1816  
privileges for employment as a driver of commercial motor 1817  
vehicles to an offender whose driver's or commercial driver's 1818  
license or permit or nonresident operating privilege has been 1819  
suspended under division (G) or (H) of section 4511.19 of the 1820  
Revised Code, under division (B) or (C) of section 4511.191 of 1821  
the Revised Code, or under section 4510.07 of the Revised Code 1822  
for a municipal OVI conviction if the offender is disqualified 1823  
from operating a commercial motor vehicle, or whose license or 1824  
permit has been suspended, under section 3123.58 or 4506.16 of 1825  
the Revised Code. 1826

(5) No judge or mayor shall grant limited driving 1827  
privileges to an offender whose driver's or commercial driver's 1828  
license or permit or nonresident operating privilege has been 1829

suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance during any of the following periods of time:

(a) The first fifteen days of a suspension imposed under division (G)(1)(a) of section 4511.19 of the Revised Code or a comparable length suspension imposed under section 4510.07 of the Revised Code, or of a suspension imposed under division (C)(1)(a) of section 4511.191 of the Revised Code. On or after the sixteenth day of the suspension, the court may grant limited driving privileges, but the court may require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with immobilizing or disabling devices that monitor the offender's alcohol consumption or any other type of immobilizing or disabling devices, except as provided in division (C) of section 4510.43 of the Revised Code.

(b) The first forty-five days of a suspension imposed under division (C)(1)(b) of section 4511.191 of the Revised Code. On or after the forty-sixth day of suspension, the court may grant limited driving privileges, but the court may require that the offender shall not exercise the privileges unless the vehicles the offender operates are equipped with immobilizing or disabling devices that monitor the offender's alcohol consumption or any other type of immobilizing or disabling devices, except as provided in division (C) of section 4510.43 of the Revised Code.

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

the Revised Code. 1860

(d) The first one hundred eighty days of a suspension 1861  
imposed under division (C) (1) (c) of section 4511.191 of the 1862  
Revised Code. On or after the one hundred eighty-first day of 1863  
suspension, the court may grant limited driving privileges, and 1864  
either of the following applies: 1865

(i) If the underlying arrest is alcohol-related, the court 1866  
shall issue an order that, except as provided in division (C) of 1867  
section 4510.43 of the Revised Code, for the remainder of the 1868  
period of suspension the offender shall not exercise the 1869  
privileges unless the vehicles the offender operates are 1870  
equipped with a certified ignition interlock device. 1871

(ii) If the underlying arrest is drug-related, the court 1872  
in its discretion may issue an order that, except as provided in 1873  
division (C) of section 4510.43 of the Revised Code, for the 1874  
remainder of the period of suspension the offender shall not 1875  
exercise the privileges unless the vehicles the offender 1876  
operates are equipped with a certified ignition interlock 1877  
device. 1878

(e) The first forty-five days of a suspension imposed 1879  
under division (G) (1) (b) of section 4511.19 of the Revised Code 1880  
or a comparable length suspension imposed under section 4510.07 1881  
of the Revised Code. On or after the forty-sixth day of the 1882  
suspension, the court may grant limited driving privileges, and 1883  
either of the following applies: 1884

(i) If the underlying conviction is alcohol-related, the 1885  
court shall issue an order that, except as provided in division 1886  
(C) of section 4510.43 of the Revised Code, for the remainder of 1887  
the period of suspension the offender shall not exercise the 1888



privileges unless the vehicles the offender operates are 1889  
equipped with a certified ignition interlock device. 1890

(ii) If the underlying conviction is drug-related, the 1891  
court in its discretion may issue an order that, except as 1892  
provided in division (C) of section 4510.43 of the Revised Code, 1893  
for the remainder of the period of suspension the offender shall 1894  
not exercise the privileges unless the vehicles the offender 1895  
operates are equipped with a certified ignition interlock 1896  
device. 1897

(f) The first one hundred eighty days of a suspension 1898  
imposed under division (G) (1) (c) of section 4511.19 of the 1899  
Revised Code or a comparable length suspension imposed under 1900  
section 4510.07 of the Revised Code. On or after the one hundred 1901  
eighty-first day of the suspension, the court may grant limited 1902  
driving privileges, and either of the following applies: 1903

(i) If the underlying conviction is alcohol-related, the 1904  
court shall issue an order that, except as provided in division 1905  
(C) of section 4510.43 of the Revised Code, for the remainder of 1906  
the period of suspension the offender shall not exercise the 1907  
privileges unless the vehicles the offender operates are 1908  
equipped with a certified ignition interlock device. 1909

(ii) If the underlying conviction is drug-related, the 1910  
court in its discretion may issue an order that, except as 1911  
provided in division (C) of section 4510.43 of the Revised Code, 1912  
for the remainder of the period of suspension the offender shall 1913  
not exercise the privileges unless the vehicles the offender 1914  
operates are equipped with a certified ignition interlock 1915  
device. 1916

(g) The first three years of a suspension imposed under 1917

division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1918  
or a comparable length suspension imposed under section 4510.07 1919  
of the Revised Code, or of a suspension imposed under division 1920  
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 1921  
the first three years of suspension, the court may grant limited 1922  
driving privileges, and either of the following applies: 1923

(i) If the underlying conviction is alcohol-related, the 1924  
court shall issue an order that, except as provided in division 1925  
(C) of section 4510.43 of the Revised Code, for the remainder of 1926  
the period of suspension the offender shall not exercise the 1927  
privileges unless the vehicles the offender operates are 1928  
equipped with a certified ignition interlock device. 1929

(ii) If the underlying conviction is drug-related, the 1930  
court in its discretion may issue an order that, except as 1931  
provided in division (C) of section 4510.43 of the Revised Code, 1932  
for the remainder of the period of suspension the offender shall 1933  
not exercise the privileges unless the vehicles the offender 1934  
operates are equipped with a certified ignition interlock 1935  
device. 1936

(6) No judge or mayor shall grant limited driving 1937  
privileges to an offender whose driver's or commercial driver's 1938  
license or permit or nonresident operating privilege has been 1939  
suspended under division (B) of section 4511.191 of the Revised 1940  
Code during any of the following periods of time: 1941

(a) The first thirty days of suspension imposed under 1942  
division (B) (1) (a) of section 4511.191 of the Revised Code; 1943

(b) The first ninety days of suspension imposed under 1944  
division (B) (1) (b) of section 4511.191 of the Revised Code; 1945

(c) The first year of suspension imposed under division 1946

(B) (1) (c) of section 4511.191 of the Revised Code; 1947

(d) The first three years of suspension imposed under 1948  
division (B) (1) (d) of section 4511.191 of the Revised Code. 1949

(7) In any case in which a judge or mayor grants limited 1950  
driving privileges to an offender whose driver's or commercial 1951  
driver's license or permit or nonresident operating privilege 1952  
has been suspended under division (G) (1) ~~(b)~~, (c), (d), or (e) of 1953  
section 4511.19 of the Revised Code, under division (G) (1) (a) or 1954  
(b) of section 4511.19 of the Revised Code for a violation of 1955  
division (A) (1) (f), (g), (h), or (i) of that section, or under 1956  
section 4510.07 of the Revised Code for a municipal OVI 1957  
conviction for which sentence would have been imposed under 1958  
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) ~~(b)~~, (c), (d), 1959  
or (e) of section 4511.19 of the Revised Code had the offender 1960  
been charged with and convicted of a violation of section 1961  
4511.19 of the Revised Code instead of a violation of the 1962  
municipal OVI ordinance, the judge or mayor shall impose as a 1963  
condition of the privileges that the offender must display on 1964  
the vehicle that is driven subject to the privileges restricted 1965  
license plates that are issued under section 4503.231 of the 1966  
Revised Code, except as provided in division (B) of that 1967  
section. 1968

(8) In any case in which ~~the~~ an offender ~~operates~~ is 1969  
required by a court under this section to operate a motor 1970  
vehicle that is ~~not~~ equipped with ~~an~~ a certified ignition 1971  
interlock device, ~~circumvents the device, or tampers with the~~ 1972  
~~device or in any case in which the court receives notice~~ 1973  
~~pursuant to section 4510.46 of the Revised Code that a certified~~ 1974  
~~ignition interlock device required by an order issued under~~ 1975  
~~division (A) (5) (e), (f), or (g) of this section prevented an~~ 1976

offender from starting a motor vehicle, and either the offender 1977  
commits an ignition interlock device violation as defined under 1978  
section 4510.46 of the Revised Code or the offender operates a 1979  
motor vehicle that is not equipped with a certified ignition 1980  
interlock device, the following applies: 1981

(a) If the offender was sentenced under division (G) (1) (a) 1982  
or (b) or division (H) of section 4511.19 of the Revised Code, 1983  
on a first instance the court may require the offender to wear a 1984  
monitor that provides continuous alcohol monitoring that is 1985  
remote. On a second instance, the court shall require the 1986  
offender to wear a monitor that provides continuous alcohol 1987  
monitoring that is remote for a minimum of forty days. On a 1988  
third instance or more, the court shall require the offender to 1989  
wear a monitor that provides continuous alcohol monitoring that 1990  
is remote for a minimum of sixty days. 1991

(b) If the offender was sentenced under division (G) (1) 1992  
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 1993  
first instance the court shall require the offender to wear a 1994  
monitor that provides continuous alcohol monitoring that is 1995  
remote for a minimum of forty days. On a second instance or 1996  
more, the court shall require the offender to wear a monitor 1997  
that provides continuous alcohol monitoring that is remote for a 1998  
minimum of sixty days. 1999

(c) The court may increase the period of suspension of the 2000  
offender's driver's or commercial driver's license or permit or 2001  
nonresident operating privilege from that originally imposed by 2002  
the court by a factor of two and may increase the period of time 2003  
during which the offender will be prohibited from exercising any 2004  
limited driving privileges granted to the offender unless the 2005  
vehicles the offender operates are equipped with a certified 2006

ignition interlock device by a factor of two. The limitation 2007  
under division (E) of section 4510.46 of the Revised Code 2008  
applies to an increase under division (A) (8) (c) of this section. 2009

(d) If the violation occurred within sixty days of the end 2010  
of the suspension of the offender's driver's or commercial 2011  
driver's license or permit or nonresident operating privilege 2012  
and the court does not impose an increase in the period of the 2013  
suspension under division (A) (8) (c) of this section, the court 2014  
shall proceed as follows: 2015

(i) Issue an order extending the period of suspension and 2016  
the grant of limited driving privileges with a required 2017  
certified ignition interlock device so that the suspension 2018  
terminates sixty days from the date the offender committed that 2019  
violation. 2020

(ii) For each violation subsequent to a violation for 2021  
which an extension was ordered under division (A) (8) (d) (i) of 2022  
this section, issue an order extending the period of suspension 2023  
and the grant of limited driving privileges with a required 2024  
certified ignition interlock device so that the suspension 2025  
terminates sixty days from the date the offender committed that 2026  
violation. 2027

The registrar of motor vehicles is prohibited from 2028  
reinstating an offender's license unless the applicable period 2029  
of suspension has been served and no ignition interlock device 2030  
violations have been committed within the sixty days prior to 2031  
the application for reinstatement. 2032

(9) At the time the court issues an order under this 2033  
section requiring an offender to use an ignition interlock 2034  
device, the court shall provide notice to the offender of each 2035

action the court is authorized or required to take under 2036  
division (A) (8) of this section if the offender circumvents or 2037  
tampers with the device or in any case in which the court 2038  
receives notice pursuant to section 4510.46 of the Revised Code 2039  
that a device prevented an offender from starting a motor 2040  
vehicle. 2041

(10) In any case in which the court issues an order under 2042  
this section prohibiting an offender from exercising limited 2043  
driving privileges unless the vehicles the offender operates are 2044  
equipped with an immobilizing or disabling device, including a 2045  
certified ignition interlock device, or requires an offender to 2046  
wear a monitor that provides continuous alcohol monitoring that 2047  
is remote, the court shall impose an additional court cost of 2048  
two dollars and fifty cents upon the offender. The court shall 2049  
not waive the payment of the two dollars and fifty cents unless 2050  
the court determines that the offender is indigent and waives 2051  
the payment of all court costs imposed upon the indigent 2052  
offender. The clerk of court shall transmit one hundred per cent 2053  
of this mandatory court cost collected during a month on or 2054  
before the twenty-third day of the following month to the state 2055  
treasury to be credited to the state highway safety fund created 2056  
under section 4501.06 of the Revised Code, to be used by the 2057  
department of public safety to cover costs associated with 2058  
maintaining the habitual OVI/OMWI offender registry created 2059  
under section 5502.10 of the Revised Code. In its discretion the 2060  
court may impose an additional court cost of two dollars and 2061  
fifty cents upon the offender. The clerk of court shall retain 2062  
this discretionary two dollar and fifty cent court cost, if 2063  
imposed, and shall deposit it in the court's special projects 2064  
fund that is established under division (E) (1) of section 2065  
2303.201, division (B) (1) of section 1901.26, or division (B) (1) 2066

of section 1907.24 of the Revised Code. 2067

~~(10) In any case in which the court issues an order under 2068  
this section prohibiting an offender from exercising limited 2069  
driving privileges unless the vehicles the offender operates are 2070  
equipped with an immobilizing or disabling device, including a 2071  
certified ignition interlock device, the court shall notify the 2072  
offender at the time the offender is granted limited driving 2073  
privileges that, in accordance with section 4510.46 of the 2074  
Revised Code, if the court receives notice that the device 2075  
prevented the offender from starting the motor vehicle because 2076  
the device was tampered with or circumvented or because the 2077  
analysis of the deep-lung breath sample or other method employed 2078  
by the device to measure the concentration by weight of alcohol 2079  
in the offender's breath indicated the presence of alcohol in 2080  
the offender's breath in a concentration sufficient to prevent 2081  
the device from permitting the motor vehicle to be started, the 2082  
court may increase the period of suspension of the offender's 2083  
driver's or commercial driver's license or permit or nonresident 2084  
operating privilege from that originally imposed by the court by 2085  
a factor of two and may increase the period of time during which 2086  
the offender will be prohibited from exercising any limited 2087  
driving privileges granted to the offender unless the vehicles 2088  
the offender operates are equipped with a certified ignition- 2089  
interlock device by a factor of two. 2090~~

(B) Any person whose driver's or commercial driver's 2091  
license or permit or nonresident operating privilege has been 2092  
suspended pursuant to section 4511.19 or 4511.191 of the Revised 2093  
Code or under section 4510.07 of the Revised Code for a 2094  
violation of a municipal OVI ordinance may file a petition for 2095  
limited driving privileges during the suspension. The person 2096  
shall file the petition in the court that has jurisdiction over 2097

the place of arrest. Subject to division (A) of this section, 2098  
the court may grant the person limited driving privileges during 2099  
the period during which the suspension otherwise would be 2100  
imposed. However, the court shall not grant the privileges for 2101  
employment as a driver of a commercial motor vehicle to any 2102  
person who is disqualified from operating a commercial motor 2103  
vehicle under section 4506.16 of the Revised Code or during any 2104  
of the periods prescribed by division (A) of this section. 2105

(C) (1) After a driver's or commercial driver's license or 2106  
permit or nonresident operating privilege has been suspended 2107  
pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2108  
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 2109  
4549.021, or 5743.99 of the Revised Code, any provision of 2110  
Chapter 2925. of the Revised Code, or section 4510.07 of the 2111  
Revised Code for a violation of a municipal OVI ordinance, the 2112  
judge of the court or mayor of the mayor's court that suspended 2113  
the license, permit, or privilege shall cause the offender to 2114  
deliver to the court the license or permit. The judge, mayor, or 2115  
clerk of the court or mayor's court shall forward to the 2116  
registrar the license or permit together with notice of the 2117  
action of the court. 2118

(2) A suspension of a commercial driver's license under 2119  
any section or chapter identified in division (C) (1) of this 2120  
section shall be concurrent with any period of suspension or 2121  
disqualification under section 3123.58 or 4506.16 of the Revised 2122  
Code. No person who is disqualified for life from holding a 2123  
commercial driver's license under section 4506.16 of the Revised 2124  
Code shall be issued a driver's license under this chapter 2125  
during the period for which the commercial driver's license was 2126  
suspended under this section, and no person whose commercial 2127  
driver's license is suspended under any section or chapter 2128



identified in division (C) (1) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

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

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

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

(F) (1) If a court issues an order under this section granting limited driving privileges and requiring an offender to use an immobilizing or disabling device ~~order under section 4510.43 of the Revised Code~~, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with an immobilizing or disabling ~~such a~~

device, except as provided in division (C) of ~~that~~ section 2159  
4510.43 of the Revised Code. The court shall provide the 2160  
offender with a copy of ~~an immobilizing or disabling device~~ the 2161  
~~order issued under section 4510.43 of the Revised Code,~~ and ~~the~~ 2162  
~~offender shall use the copy of the order in lieu of an Ohio~~ 2163  
~~driver's or commercial driver's license or permit until the~~ 2164  
~~registrar or a deputy registrar issues the offender a restricted~~ 2165  
~~license for purposes of obtaining a restricted license and shall~~ 2166  
submit a copy of the order to the registrar of motor vehicles. 2167

~~An order issued under section 4510.43 of the Revised Code~~ 2168  
~~does not authorize or permit the offender to whom it has been~~ 2169  
~~issued to operate a vehicle during any time that the offender's~~ 2170  
~~driver's or commercial driver's license or permit is suspended~~ 2171  
~~under any other provision of law.~~ 2172

(2) An offender ~~may~~ shall present to the registrar or to a 2173  
deputy registrar the copy of an immobilizing or disabling device 2174  
order to the registrar or to a deputy registrar issued under 2175  
this section and a certificate affirming the installation of an 2176  
immobilizing or disabling device that is in a form established 2177  
by the director of public safety and that is signed by the 2178  
person who installed the device. Upon presentation of the order 2179  
and certificate to the registrar or a deputy registrar, the 2180  
registrar or deputy registrar shall issue the offender a 2181  
restricted license, unless the offender's driver's or commercial 2182  
driver's license or permit is suspended under any other 2183  
provision of law and limited driving privileges have not been 2184  
granted with regard to that suspension. A restricted license 2185  
issued under this division shall be identical to an Ohio 2186  
driver's license, except that it shall have printed on its face 2187  
a statement that the offender is prohibited ~~during the period~~ 2188  
~~specified in the court order~~ from operating any motor vehicle 2189

that is not equipped with an immobilizing or disabling device in 2190  
violation of the order. ~~The date of commencement and the date of~~ 2191  
~~termination of the period of suspension shall be indicated~~ 2192  
~~conspicuously upon the face of the license.~~ 2193

(3) (a) No person who has been granted limited driving 2194  
privileges subject to an immobilizing or disabling device order 2195  
under this section shall operate a motor vehicle prior to 2196  
obtaining a restricted license. Any person who violates this 2197  
prohibition is subject to the penalties prescribed in section 2198  
4510.14 of the Revised Code. 2199

(b) The offense established under division (F) (3) (a) of 2200  
this section is a strict liability offense and section 2901.20 2201  
of the Revised Code does not apply. 2202

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 2203  
impose a class D suspension of the person's driver's license, 2204  
commercial driver's license, temporary instruction permit, 2205  
probationary license, or nonresident operating privilege for the 2206  
period of time specified in division (B) (4) of section 4510.02 2207  
of the Revised Code on any person who is a resident of this 2208  
state and is convicted of or pleads guilty to a violation of a 2209  
statute of any other state or any federal statute that is 2210  
substantially similar to section 2925.02, 2925.03, 2925.04, 2211  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2212  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 2213  
2925.37 of the Revised Code. Upon receipt of a report from a 2214  
court, court clerk, or other official of any other state or from 2215  
any federal authority that a resident of this state was 2216  
convicted of or pleaded guilty to an offense described in this 2217  
division, the registrar shall send a notice by regular first 2218  
class mail to the person, at the person's last known address as 2219

shown in the records of the bureau of motor vehicles, informing 2220  
the person of the suspension, that the suspension will take 2221  
effect twenty-one days from the date of the notice, and that, if 2222  
the person wishes to appeal the suspension or denial, the person 2223  
must file a notice of appeal within twenty-one days of the date 2224  
of the notice requesting a hearing on the matter. If the person 2225  
requests a hearing, the registrar shall hold the hearing not 2226  
more than forty days after receipt by the registrar of the 2227  
notice of appeal. The filing of a notice of appeal does not stay 2228  
the operation of the suspension that must be imposed pursuant to 2229  
this division. The scope of the hearing shall be limited to 2230  
whether the person actually was convicted of or pleaded guilty 2231  
to the offense for which the suspension is to be imposed. 2232

The suspension the registrar is required to impose under 2233  
this division shall end either on the last day of the class D 2234  
suspension period or of the suspension of the person's 2235  
nonresident operating privilege imposed by the state or federal 2236  
court, whichever is earlier. 2237

The registrar shall subscribe to or otherwise participate 2238  
in any information system or register, or enter into reciprocal 2239  
and mutual agreements with other states and federal authorities, 2240  
in order to facilitate the exchange of information with other 2241  
states and the United States government regarding persons who 2242  
plead guilty to or are convicted of offenses described in this 2243  
division and therefore are subject to the suspension or denial 2244  
described in this division. 2245

(B) The registrar shall impose a class D suspension of the 2246  
person's driver's license, commercial driver's license, 2247  
temporary instruction permit, probationary license, or 2248  
nonresident operating privilege for the period of time specified 2249

in division (B) (4) of section 4510.02 of the Revised Code on any 2250  
person who is a resident of this state and is convicted of or 2251  
pleads guilty to a violation of a statute of any other state or 2252  
a municipal ordinance of a municipal corporation located in any 2253  
other state that is substantially similar to section 4511.19 of 2254  
the Revised Code. Upon receipt of a report from another state 2255  
made pursuant to section 4510.61 of the Revised Code indicating 2256  
that a resident of this state was convicted of or pleaded guilty 2257  
to an offense described in this division, the registrar shall 2258  
send a notice by regular first class mail to the person, at the 2259  
person's last known address as shown in the records of the 2260  
bureau of motor vehicles, informing the person of the 2261  
suspension, that the suspension or denial will take effect 2262  
twenty-one days from the date of the notice, and that, if the 2263  
person wishes to appeal the suspension, the person must file a 2264  
notice of appeal within twenty-one days of the date of the 2265  
notice requesting a hearing on the matter. If the person 2266  
requests a hearing, the registrar shall hold the hearing not 2267  
more than forty days after receipt by the registrar of the 2268  
notice of appeal. The filing of a notice of appeal does not stay 2269  
the operation of the suspension that must be imposed pursuant to 2270  
this division. The scope of the hearing shall be limited to 2271  
whether the person actually was convicted of or pleaded guilty 2272  
to the offense for which the suspension is to be imposed. 2273

The suspension the registrar is required to impose under 2274  
this division shall end either on the last day of the class D 2275  
suspension period or of the suspension of the person's 2276  
nonresident operating privilege imposed by the state or federal 2277  
court, whichever is earlier. 2278

(C) The registrar shall impose a class D suspension of the 2279  
child's driver's license, commercial driver's license, temporary 2280

instruction permit, or nonresident operating privilege for the 2281  
period of time specified in division (B) (4) of section 4510.02 2282  
of the Revised Code on any child who is a resident of this state 2283  
and is convicted of or pleads guilty to a violation of a statute 2284  
of any other state or any federal statute that is substantially 2285  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2286  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2287  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2288  
Code. Upon receipt of a report from a court, court clerk, or 2289  
other official of any other state or from any federal authority 2290  
that a child who is a resident of this state was convicted of or 2291  
pleaded guilty to an offense described in this division, the 2292  
registrar shall send a notice by regular first class mail to the 2293  
child, at the child's last known address as shown in the records 2294  
of the bureau of motor vehicles, informing the child of the 2295  
suspension, that the suspension or denial will take effect 2296  
twenty-one days from the date of the notice, and that, if the 2297  
child wishes to appeal the suspension, the child must file a 2298  
notice of appeal within twenty-one days of the date of the 2299  
notice requesting a hearing on the matter. If the child requests 2300  
a hearing, the registrar shall hold the hearing not more than 2301  
forty days after receipt by the registrar of the notice of 2302  
appeal. The filing of a notice of appeal does not stay the 2303  
operation of the suspension that must be imposed pursuant to 2304  
this division. The scope of the hearing shall be limited to 2305  
whether the child actually was convicted of or pleaded guilty to 2306  
the offense for which the suspension is to be imposed. 2307

The suspension the registrar is required to impose under 2308  
this division shall end either on the last day of the class D 2309  
suspension period or of the suspension of the child's 2310  
nonresident operating privilege imposed by the state or federal 2311

court, whichever is earlier. If the child is a resident of this 2312  
state who is sixteen years of age or older and does not have a 2313  
current, valid Ohio driver's or commercial driver's license or 2314  
permit, the notice shall inform the child that the child will be 2315  
denied issuance of a driver's or commercial driver's license or 2316  
permit for six months beginning on the date of the notice. If 2317  
the child has not attained the age of sixteen years on the date 2318  
of the notice, the notice shall inform the child that the period 2319  
of denial of six months shall commence on the date the child 2320  
attains the age of sixteen years. 2321

The registrar shall subscribe to or otherwise participate 2322  
in any information system or register, or enter into reciprocal 2323  
and mutual agreements with other states and federal authorities, 2324  
in order to facilitate the exchange of information with other 2325  
states and the United States government regarding children who 2326  
are residents of this state and plead guilty to or are convicted 2327  
of offenses described in this division and therefore are subject 2328  
to the suspension or denial described in this division. 2329

(D) The registrar shall impose a class D suspension of the 2330  
child's driver's license, commercial driver's license, temporary 2331  
instruction permit, probationary license, or nonresident 2332  
operating privilege for the period of time specified in division 2333  
(B) (4) of section 4510.02 of the Revised Code on any child who 2334  
is a resident of this state and is convicted of or pleads guilty 2335  
to a violation of a statute of any other state or a municipal 2336  
ordinance of a municipal corporation located in any other state 2337  
that is substantially similar to section 4511.19 of the Revised 2338  
Code. Upon receipt of a report from another state made pursuant 2339  
to section 4510.61 of the Revised Code indicating that a child 2340  
who is a resident of this state was convicted of or pleaded 2341  
guilty to an offense described in this division, the registrar 2342

shall send a notice by regular first class mail to the child, at 2343  
the child's last known address as shown in the records of the 2344  
bureau of motor vehicles, informing the child of the suspension, 2345  
that the suspension will take effect twenty-one days from the 2346  
date of the notice, and that, if the child wishes to appeal the 2347  
suspension, the child must file a notice of appeal within 2348  
twenty-one days of the date of the notice requesting a hearing 2349  
on the matter. If the child requests a hearing, the registrar 2350  
shall hold the hearing not more than forty days after receipt by 2351  
the registrar of the notice of appeal. The filing of a notice of 2352  
appeal does not stay the operation of the suspension that must 2353  
be imposed pursuant to this division. The scope of the hearing 2354  
shall be limited to whether the child actually was convicted of 2355  
or pleaded guilty to the offense for which the suspension is to 2356  
be imposed. 2357

The suspension the registrar is required to impose under 2358  
this division shall end either on the last day of the class D 2359  
suspension period or of the suspension of the child's 2360  
nonresident operating privilege imposed by the state or federal 2361  
court, whichever is earlier. If the child is a resident of this 2362  
state who is sixteen years of age or older and does not have a 2363  
current, valid Ohio driver's or commercial driver's license or 2364  
permit, the notice shall inform the child that the child will be 2365  
denied issuance of a driver's or commercial driver's license or 2366  
permit for six months beginning on the date of the notice. If 2367  
the child has not attained the age of sixteen years on the date 2368  
of the notice, the notice shall inform the child that the period 2369  
of denial of six months shall commence on the date the child 2370  
attains the age of sixteen years. 2371

(E) (1) Any person whose license or permit has been 2372  
suspended pursuant to this section may file a petition in the 2373



municipal or county court, or in case the person is under 2374  
eighteen years of age, the juvenile court, in whose jurisdiction 2375  
the person resides, agreeing to pay the cost of the proceedings 2376  
and alleging that the suspension would seriously affect the 2377  
person's ability to continue the person's employment. Upon 2378  
satisfactory proof that there is reasonable cause to believe 2379  
that the suspension would seriously affect the person's ability 2380  
to continue the person's employment, the judge may grant the 2381  
person limited driving privileges during the period during which 2382  
the suspension otherwise would be imposed, except that the judge 2383  
shall not grant limited driving privileges for employment as a 2384  
driver of a commercial motor vehicle to any person who would be 2385  
disqualified from operating a commercial motor vehicle under 2386  
section 4506.16 of the Revised Code if the violation had 2387  
occurred in this state, or during any of the following periods 2388  
of time: 2389

~~(1)~~ (a) The first fifteen days of a suspension under 2390  
division (B) or (D) of this section, if the person has not been 2391  
convicted within ~~six~~ ten years of the date of the offense giving 2392  
rise to the suspension under this section of a violation of any 2393  
of the following: 2394

~~(a)~~ (i) Section 4511.19 of the Revised Code, or a 2395  
municipal ordinance relating to operating a vehicle while under 2396  
the influence of alcohol, a drug of abuse, or alcohol and a drug 2397  
of abuse; 2398

~~(b)~~ (ii) A municipal ordinance relating to operating a 2399  
motor vehicle with a prohibited concentration of alcohol, a 2400  
controlled substance, or a metabolite of a controlled substance 2401  
in the whole blood, blood serum or plasma, breath, or urine; 2402

~~(c)~~ (iii) Section 2903.04 of the Revised Code in a case in 2403

which the person was subject to the sanctions described in 2404  
division (D) of that section; 2405

~~(d)~~ (iv) Division (A) (1) of section 2903.06 or division 2406  
(A) (1) of section 2903.08 of the Revised Code or a municipal 2407  
ordinance that is substantially similar to either of those 2408  
divisions; 2409

~~(e)~~ (v) Division (A) (2), (3), or (4) of section 2903.06, 2410  
division (A) (2) of section 2903.08, or as it existed prior to 2411  
March 23, 2000, section 2903.07 of the Revised Code, or a 2412  
municipal ordinance that is substantially similar to any of 2413  
those divisions or that former section, in a case in which the 2414  
jury or judge found that the person was under the influence of 2415  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 2416

~~(2)~~ (b) The first thirty days of a suspension under 2417  
division (B) or (D) of this section, if the person has been 2418  
convicted one time within ~~six~~ ten years of the date of the 2419  
offense giving rise to the suspension under this section of any 2420  
violation identified in division (E) (1) (a) of this section. 2421

~~(3)~~ (c) The first one hundred eighty days of a suspension 2422  
under division (B) or (D) of this section, if the person has 2423  
been convicted two times within ~~six~~ ten years of the date of the 2424  
offense giving rise to the suspension under this section of any 2425  
violation identified in division (E) (1) (a) of this section. 2426

~~(4)~~ (2) No limited driving privileges may be granted if 2427  
the person has been convicted three or more times within five 2428  
years of the date of the offense giving rise to a suspension 2429  
under division (B) or (D) of this section of any violation 2430  
identified in division (E) (1) (a) of this section. 2431

(3) In accordance with section 4510.022 of the Revised 2432

Code, a person may petition for, and a judge may grant, 2433  
unlimited driving privileges with a certified ignition interlock 2434  
device during the period of suspension imposed under division 2435  
(B) or (D) of this section to a person described in division (E) 2436  
(1) (a) of this section. 2437

(4) If a person petitions for limited driving privileges 2438  
under division (E) (1) of this section or unlimited driving 2439  
privileges with a certified ignition interlock device as 2440  
provided in division (E) (3) of this section, the registrar shall 2441  
be represented by the county prosecutor of the county in which 2442  
the person resides if the petition is filed in a juvenile court 2443  
or county court, except that if the person resides within a city 2444  
or village that is located within the jurisdiction of the county 2445  
in which the petition is filed, the city director of law or 2446  
village solicitor of that city or village shall represent the 2447  
registrar. If the petition is filed in a municipal court, the 2448  
registrar shall be represented as provided in section 1901.34 of 2449  
the Revised Code. 2450

(5) (a) In issuing an order granting limited driving 2451  
privileges under division (E) (1) of this section, the court may 2452  
impose any condition it considers reasonable and necessary to 2453  
limit the use of a vehicle by the person. The court shall 2454  
deliver to the person a permit card, in a form to be prescribed 2455  
by the court, copy of the order setting forth the time, place, 2456  
and other conditions limiting the person's use of a motor 2457  
vehicle. The Unless division (E) (5) (b) of this section applies, 2458  
the grant of limited driving privileges shall be conditioned 2459  
upon the person's having the permit order in the person's 2460  
possession at all times during which the person is operating a 2461  
vehicle. 2462

(b) If, under the order, the court requires the use of an immobilizing or disabling device as a condition of the grant of limited or unlimited driving privileges, the person shall present to the registrar or to a deputy registrar the copy of the order granting limited driving privileges and a certificate affirming the installation of an immobilizing or disabling device that is in a form established by the director of public safety and is signed by the person who installed the device. Upon presentation of the order and the certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue to the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with an immobilizing or disabling device in violation of the order.

~~A~~ (6) (a) Unless division (E) (6) (b) applies, a person granted limited driving privileges who operates a vehicle for other than limited purposes, in violation of any condition imposed by the court or without having the ~~permit order~~ in the person's possession, is guilty of a violation of section 4510.11 of the Revised Code.

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

in section 4510.14 of the Revised Code. 2494

(c) The offenses established under division (E) (6) of this 2495  
section are strict liability offenses and section 2901.20 of the 2496  
Revised Code does not apply. 2497

(F) The provisions of division (A) (8) of section 4510.13 2498  
of the Revised Code apply to a person who has been granted 2499  
limited or unlimited driving privileges with a certified 2500  
ignition interlock device under this section and who either 2501  
commits an ignition interlock device violation as defined under 2502  
section 4510.46 of the Revised Code or operates a motor vehicle 2503  
that is not equipped with a certified ignition interlock device. 2504

~~(F)~~ (G) As used in divisions (C) and (D) of this section: 2505

(1) "Child" means a person who is under the age of 2506  
eighteen years, except that any person who violates a statute or 2507  
ordinance described in division (C) or (D) of this section prior 2508  
to attaining eighteen years of age shall be deemed a "child" 2509  
irrespective of the person's age at the time the complaint or 2510  
other equivalent document is filed in the other state or a 2511  
hearing, trial, or other proceeding is held in the other state 2512  
on the complaint or other equivalent document, and irrespective 2513  
of the person's age when the period of license suspension or 2514  
denial prescribed in division (C) or (D) of this section is 2515  
imposed. 2516

(2) "Is convicted of or pleads guilty to" means, as it 2517  
relates to a child who is a resident of this state, that in a 2518  
proceeding conducted in a state or federal court located in 2519  
another state for a violation of a statute or ordinance 2520  
described in division (C) or (D) of this section, the result of 2521  
the proceeding is any of the following: 2522

(a) Under the laws that govern the proceedings of the 2523  
court, the child is adjudicated to be or admits to being a 2524  
delinquent child or a juvenile traffic offender for a violation 2525  
described in division (C) or (D) of this section that would be a 2526  
crime if committed by an adult; 2527

(b) Under the laws that govern the proceedings of the 2528  
court, the child is convicted of or pleads guilty to a violation 2529  
described in division (C) or (D) of this section; 2530

(c) Under the laws that govern the proceedings of the 2531  
court, irrespective of the terminology utilized in those laws, 2532  
the result of the court's proceedings is the functional 2533  
equivalent of division (F) (2) (a) or (b) of this section. 2534

**Sec. 4510.43.** (A) (1) The director of public safety, upon 2535  
consultation with the director of health and in accordance with 2536  
Chapter 119. of the Revised Code, shall certify immobilizing and 2537  
disabling devices and, subject to section 4510.45 of the Revised 2538  
Code, shall publish and make available to the courts, without 2539  
charge, a list of licensed manufacturers of ignition interlock 2540  
devices and approved devices together with information about the 2541  
manufacturers of the devices and where they may be obtained. The 2542  
manufacturer of an immobilizing or disabling device shall pay 2543  
the cost of obtaining the certification of the device to the 2544  
director of public safety, and the director shall deposit the 2545  
payment in the indigent drivers alcohol treatment fund 2546  
established by section 4511.191 of the Revised Code. 2547

(2) The director of public safety, in accordance with 2548  
Chapter 119. of the Revised Code, shall adopt and publish rules 2549  
setting forth the requirements for obtaining the certification 2550  
of an immobilizing or disabling device. The director of public 2551  
safety shall not certify an immobilizing or disabling device 2552

under this section unless it meets the requirements specified 2553  
and published by the director in the rules adopted pursuant to 2554  
this division. A certified device may consist of an ignition 2555  
interlock device, an ignition blocking device initiated by time 2556  
or magnetic or electronic encoding, an activity monitor, or any 2557  
other device that reasonably assures compliance with an order 2558  
granting limited driving privileges. Ignition interlock devices 2559  
shall be certified annually. 2560

The requirements for an immobilizing or disabling device 2561  
that is an ignition interlock device shall require that the 2562  
manufacturer of the device submit to the department of public 2563  
safety a certificate from an independent testing laboratory 2564  
indicating that the device meets or exceeds the standards of the 2565  
national highway traffic safety administration, as defined in 2566  
section 4511.19 of the Revised Code, that are in effect at the 2567  
time of the director's decision regarding certification of the 2568  
device, shall include provisions for setting a minimum and 2569  
maximum calibration range, and shall include, but shall not be 2570  
limited to, specifications that the device complies with all of 2571  
the following: 2572

(a) It does not impede the safe operation of the vehicle. 2573

(b) It has features that make circumvention difficult and 2574  
that do not interfere with the normal use of the vehicle, and 2575  
the features are operating and functioning. 2576

(c) It correlates well with established measures of 2577  
alcohol impairment. 2578

(d) It works accurately and reliably in an unsupervised 2579  
environment. 2580

(e) It is resistant to tampering and shows evidence of 2581

tampering if tampering is attempted.	2582
(f) It is difficult to circumvent and requires premeditation to do so.	2583 2584
(g) It minimizes inconvenience to a sober user.	2585
(h) It requires a proper, deep-lung breath sample or other accurate measure of the concentration by weight of alcohol in the breath.	2586 2587 2588
(i) It operates reliably over the range of automobile environments.	2589 2590
(j) It is made by a manufacturer who is covered by product liability insurance.	2591 2592
<u>(k) Beginning January 1, 2020, it is equipped with a camera.</u>	2593 2594
(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices.	2595 2596 2597 2598 2599
(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability.	2600 2601 2602 2603 2604 2605 2606
<u>(5) The director of public safety shall establish a certificate of installation that a manufacturer of immobilizing or disabling devices shall sign and provide to a person upon the</u>	2607 2608 2609



completion of the installation of such a device on the person's 2610  
motor vehicle. The director also shall adopt rules in accordance 2611  
with Chapter 119. of the Revised Code that govern procedures for 2612  
confirming and inspecting the installation of immobilizing or 2613  
disabling devices. 2614

(B) A court considering the use of a prototype device in a 2615  
pilot program shall advise the director of public safety, thirty 2616  
days before the use, of the prototype device and its protocol, 2617  
methodology, manufacturer, and licensor, lessor, other agent, or 2618  
owner, and the length of the court's pilot program. A prototype 2619  
device shall not be used for a violation of section 4510.14 or 2620  
4511.19 of the Revised Code, a violation of a municipal OVI 2621  
ordinance, or in relation to a suspension imposed under section 2622  
4511.191 of the Revised Code. A court that uses a prototype 2623  
device in a pilot program, periodically during the existence of 2624  
the program and within fourteen days after termination of the 2625  
program, shall report in writing to the director of public 2626  
safety regarding the effectiveness of the prototype device and 2627  
the program. 2628

(C) If a person has been granted limited or unlimited 2629  
driving privileges with a condition of the privileges being that 2630  
the motor vehicle that is operated under the privileges must be 2631  
equipped with an immobilizing or disabling device, the person 2632  
may operate a motor vehicle that is owned by the person's 2633  
employer only if the person is required to operate that motor 2634  
vehicle in the course and scope of the offender's employment. 2635  
Such a person may operate that vehicle without the installation 2636  
of an immobilizing or disabling device, provided that the 2637  
employer has been notified that the person has limited driving 2638  
privileges and of the nature of the restriction and further 2639  
provided that the person has proof of the employer's 2640

notification in the person's possession while operating the 2641  
employer's vehicle for normal business duties. A motor vehicle 2642  
owned by a business that is partly or entirely owned or 2643  
controlled by a person with limited driving privileges is not a 2644  
motor vehicle owned by an employer, for purposes of this 2645  
division. 2646

**Sec. 4510.44.** (A) (1) No offender ~~with~~ who has been granted 2647  
limited or unlimited driving privileges, during any period that 2648  
the offender is required to operate only a motor vehicle 2649  
equipped with an immobilizing or disabling device, shall request 2650  
or permit any other person to breathe into the device if it is 2651  
an ignition interlock device or another type of device that 2652  
monitors the concentration of alcohol in a person's breath or to 2653  
otherwise start the motor vehicle equipped with the device, for 2654  
the purpose of providing the offender with an operable motor 2655  
vehicle. 2656

~~(2) (a) Except as provided in division (A) (2) (b) of this~~ 2657  
~~section, no~~ No person shall breathe into an immobilizing or 2658  
disabling device that is an ignition interlock device or another 2659  
type of device that monitors the concentration of alcohol in a 2660  
person's breath or otherwise start a motor vehicle equipped with 2661  
an immobilizing or disabling device, for the purpose of 2662  
providing an operable motor vehicle to ~~an offender with limited~~ 2663  
~~driving privileges who is permitted to~~ another person who has 2664  
been granted limited or unlimited driving privileges under the 2665  
condition that the person operate only a motor vehicle equipped 2666  
with an immobilizing or disabling device. 2667

~~(b) Division (A) (2) (a) of this section does not apply to a~~ 2668  
~~person in the following circumstances:~~ 2669

~~(i) The person is an offender with limited driving~~ 2670

~~privileges.~~ 2671

~~(ii) The person breathes into an immobilizing or disabling device that is an ignition interlock device or another type of device that monitors the concentration of alcohol in a person's breath or otherwise starts a motor vehicle equipped with an immobilizing or disabling device.~~ 2672  
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~~(iii) The person breathes into the device or starts the vehicle for the purpose of providing the person with an operable motor vehicle.~~ 2677  
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(3) No unauthorized person shall tamper with or circumvent the operation of an immobilizing or disabling device. 2680  
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(B) Whoever violates this section is guilty of an immobilizing or disabling device violation, a misdemeanor of the first degree. 2682  
2683  
2684

**Sec. 4510.45.** (A) (1) A manufacturer of ignition interlock devices that desires for its devices to be certified under section 4510.43 of the Revised Code and then to be included on the list of certified devices that the department of public safety compiles and makes available to courts pursuant to that section first shall obtain a license from the department under this section. The department, in accordance with Chapter 119. of the Revised Code, shall adopt any rules that are necessary to implement this licensing requirement. 2685  
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(2) A manufacturer shall apply to the department for the license and shall include all information the department may require by rule. Each application, including an application for license renewal, shall be accompanied by an application fee of one hundred dollars, which the department shall deposit into the state treasury to the credit of the indigent drivers alcohol 2694  
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treatment fund created by section 4511.191 of the Revised Code. 2700  
Each application also shall be accompanied by a signed 2701  
agreement, in a form established by the director, affirming that 2702  
the manufacturer agrees to install and monitor all devices 2703  
produced by that manufacturer and affirming that the 2704  
manufacturer agrees to charge a reduced fee, established by the 2705  
department, for the installation and monitoring of a device used 2706  
by a person who is deemed to be an indigent offender by the 2707  
court that granted limited or unlimited driving privileges to 2708  
the offender subject to the condition that the offender use a 2709  
certified ignition interlock device. 2710

(3) Upon receipt of a completed application, if the 2711  
department finds that a manufacturer has complied with all 2712  
application requirements, the department shall issue a license 2713  
to the manufacturer. A manufacturer that has been issued a 2714  
license under this section is eligible immediately to have the 2715  
models of ignition interlock devices it produces certified under 2716  
section 4510.43 of the Revised Code and then included on the 2717  
list of certified devices that the department compiles and makes 2718  
available to courts pursuant to that section. 2719

(4) (a) A license issued under this section shall expire 2720  
annually on a date selected by the department. The department 2721  
shall reject the license application of a manufacturer if any of 2722  
the following apply: 2723

(i) The application is not accompanied by the application 2724  
fee or the required agreement. 2725

(ii) The department finds that the manufacturer has not 2726  
complied with all application requirements. 2727

(iii) The license application is a renewal application and 2728

the manufacturer failed to file the annual report or failed to 2729  
pay the fee as required by division (B) of this section. 2730

(iv) The license application is a renewal application and 2731  
the manufacturer failed to monitor or report violations as 2732  
required under section 4510.46 of the Revised Code. 2733

(b) The department may reject the license application of a 2734  
manufacturer if the manufacturer has a history of failing to 2735  
properly install immobilizing or disabling devices. 2736

(c) A manufacturer whose license application is rejected 2737  
by the department may appeal the decision to the director of 2738  
public safety. The director or the director's designee shall 2739  
hold a hearing on the matter not more than thirty days from the 2740  
date of the manufacturer's appeal. If the director or the 2741  
director's designee upholds the denial of the manufacturer's 2742  
application for a license, the manufacturer may appeal the 2743  
decision to the Franklin county court of common pleas. If the 2744  
director or the director's designee reverses the denial of the 2745  
manufacturer's application for a license, the director or the 2746  
director's designee shall issue a written order directing that 2747  
the department issue a license to the manufacturer. 2748

(B) Every manufacturer of ignition interlock devices that 2749  
is issued a license under this section shall file an annual 2750  
report with the department on a form the department prescribes 2751  
on or before a date the department prescribes. The annual report 2752  
shall state the amount of net profit the manufacturer earned 2753  
during a twelve-month period specified by the department that is 2754  
attributable to the sales of that manufacturer's certified 2755  
ignition interlock devices to purchasers in this state. Each 2756  
manufacturer shall pay a fee equal to five per cent of the 2757  
amount of the net profit described in this division. 2758

The department may permit annual reports to be filed via 2759  
electronic means. 2760

(C) The department shall deposit all fees it receives from 2761  
manufacturers under this section into the state treasury to the 2762  
credit of the indigent drivers alcohol treatment fund created by 2763  
section 4511.191 of the Revised Code. All money so deposited 2764  
into that fund that is paid by the department of mental health 2765  
and addiction services to county indigent drivers alcohol 2766  
treatment funds, county juvenile indigent drivers alcohol 2767  
treatment funds, and municipal indigent drivers alcohol 2768  
treatment funds shall be used only as described in division (H) 2769  
(3) of section 4511.191 of the Revised Code. 2770

(D) (1) The director may make an assessment, based on any 2771  
information in the director's possession, against any 2772  
manufacturer that fails to file an annual report or pay the fee 2773  
required by division (B) of this section. The director, in 2774  
accordance with Chapter 119. of the Revised Code, shall adopt 2775  
rules governing assessments and assessment procedures and 2776  
related provisions. In adopting these rules, the director shall 2777  
incorporate the provisions of section 5751.09 of the Revised 2778  
Code to the greatest extent possible, except that the director 2779  
is not required to incorporate any provisions of that section 2780  
that by their nature are not applicable, appropriate, or 2781  
necessary to assessments made by the director under this 2782  
section. 2783

(2) A manufacturer may appeal the final determination of 2784  
the director regarding an assessment made by the director under 2785  
this section. The director, in accordance with Chapter 119. of 2786  
the Revised Code, shall adopt rules governing such appeals. In 2787  
adopting these rules, the director shall incorporate the 2788

provisions of section 5717.02 of the Revised Code to the 2789  
greatest extent possible, except that the director is not 2790  
required to incorporate any provisions of that section that by 2791  
their nature are not applicable, appropriate, or necessary to 2792  
appeals of assessments made by the director under this section. 2793

(E) The director, in accordance with Chapter 119. of the 2794  
Revised Code, shall adopt a penalty schedule setting forth the 2795  
monetary penalties to be imposed upon a manufacturer that is 2796  
issued a license under this section and fails to file an annual 2797  
report or pay the fee required by division (B) of this section 2798  
in a timely manner. The penalty amounts shall not exceed the 2799  
maximum penalty amounts established in section 5751.06 of the 2800  
Revised Code for similar or equivalent facts or circumstances. 2801

(F) (1) No manufacturer of ignition interlock devices that 2802  
is required by division (B) of this section to file an annual 2803  
report with the department or to pay a fee shall fail to do so 2804  
as required by that division. 2805

(2) No manufacturer of ignition interlock devices that is 2806  
required by division (B) of this section to file an annual 2807  
report with the department shall file a report that contains 2808  
incorrect or erroneous information. 2809

(G) Whoever violates division (F) (2) of this section is 2810  
guilty of a misdemeanor of the first degree. The department 2811  
shall remove from the list of certified devices described in 2812  
division (A) (1) of this section the ignition interlock devices 2813  
manufactured by a manufacturer that violates division (F) (1) or 2814  
(2) of this section. 2815

**Sec. 4510.46.** (A) As used in this section: 2816

(1) "Offender" means a person who has been granted limited 2817

or unlimited driving privileges by a court of this state subject 2818  
to the condition that the person operate only a vehicle with a 2819  
certified ignition interlock device under section 4510.021, 2820  
4510.022, or 4510.13 of the Revised Code. 2821

(2) "Ignition interlock device violation" means that a 2822  
certified ignition interlock device indicates that it has 2823  
prevented an offender from starting a motor vehicle because of 2824  
either of the following: 2825

(a) The device was tampered with or circumvented; 2826

(b) The analysis of the deep-lung breath sample or other 2827  
method employed by the ignition interlock device to measure the 2828  
concentration by weight of alcohol in the offender's breath 2829  
indicated the presence of alcohol in the offender's breath in a 2830  
concentration sufficient to prevent the ignition interlock 2831  
device from permitting the motor vehicle to be started. 2832

~~A governmental agency, bureau, department, or office, or a~~ 2833  
~~private corporation, or any other entity that monitors~~ (B) The 2834  
~~manufacturer of a certified ignition interlock devices for or on~~ 2835  
~~behalf of a court device shall monitor each device that is~~ 2836  
produced by that manufacturer and that has been installed in a 2837  
motor vehicle for an offender. The manufacturer also shall 2838  
inform the court and the registrar of motor vehicles, as soon as 2839  
practicable, whenever such a device that has been installed in a 2840  
~~motor vehicle indicates that it has prevented an offender whose~~ 2841  
~~driver's or commercial driver's license or permit or nonresident~~ 2842  
~~operating privilege has been suspended by a court under division~~ 2843  
~~(G) (1) (a), (b), (c), (d), or (e) of section 4511.19 of the~~ 2844  
~~Revised Code and who has been granted limited driving privileges~~ 2845  
~~under section 4510.13 of the Revised Code from starting the~~ 2846  
~~motor vehicle because the device was tampered with or~~ 2847



~~circumvented or because the analysis of the deep lung breath-~~ 2848  
~~sample or other method employed by the ignition interlock device-~~ 2849  
~~to measure the concentration by weight of alcohol in the-~~ 2850  
~~offender's breath indicated the presence of alcohol in the-~~ 2851  
~~offender's breath in a concentration sufficient to prevent the-~~ 2852  
~~ignition interlock device from permitting the motor vehicle to-~~ 2853  
~~be started an ignition interlock device violation has occurred.~~ 2854

~~(B)-(C) Upon receipt of such information pertaining to an~~ 2855  
~~offender whose driver's or commercial driver's license or permit-~~ 2856  
~~or nonresident operating privilege has been suspended by a court-~~ 2857  
~~under division (C) (1) (b), (c), (d), or (e) of section 4511.19 of~~ 2858  
~~the Revised Code and who has been granted limited driving-~~ 2859  
~~privileges under section 4510.13 of the Revised Code under~~ 2860  
division (B) of this section, the court shall send a notice to 2861  
the offender stating that all of the following: 2862

(1) That it has received evidence of an instance described- 2863  
in division (A) of this section. If a court pursuant to division- 2864  
(A) (8) of section 4510.13 of the Revised Code requires the- 2865  
offender to wear an alcohol monitor, the notice shall state that- 2866  
ignition interlock device violation; 2867

(2) If applicable, that because of this instance violation 2868  
the offender is required to wear a monitor that provides for 2869  
continuous alcohol monitoring in accordance with division (E) of 2870  
section 4510.022, division (A) (8) of section 4510.13, or 2871  
division (F) of section 4510.17 of the Revised Code. The notice- 2872  
shall further state that; 2873

(3) That because of this instance violation the court may 2874  
increase the period of suspension of the offender's driver's or 2875  
commercial driver's license or permit or nonresident operating 2876  
privilege from that originally imposed by the court by a factor 2877

of two and may increase the period of time during which the 2878  
offender will be prohibited from exercising any limited or 2879  
unlimited driving privileges granted to the offender unless the 2880  
vehicles the offender operates are equipped with a certified 2881  
ignition interlock device by a factor of two. 2882

~~The notice shall state whether;~~ 2883

(4) Whether the court will impose these is imposing the 2884  
increases and, if so, that these increases will take effect 2885  
fourteen days from the date of the notice unless the offender 2886  
files a timely motion with the court, appealing the increases in 2887  
the time described in this division and requesting a hearing on 2888  
the matter. under division (C) (3) of this section; 2889

(5) If the violation occurred within sixty days of the end 2890  
of the suspension of the offender's driver's or commercial 2891  
driver's license or permit or nonresident operating privilege 2892  
and the court is not imposing an increase in the period of the 2893  
suspension under division (C) (3) of this section, that the court 2894  
is increasing the offender's suspension by sixty days as 2895  
provided in division (E) (5) of section 4510.022, division (A) (8) 2896  
(d) of section 4510.13, or division (F) of section 4510.17 of 2897  
the Revised Code; 2898

(6) That the offender may file an appeal of any increase 2899  
imposed under division (C) (4) or (5) of this section with the 2900  
court within fourteen days of receiving the notice; 2901

(7) That the registrar of motor vehicles is prohibited 2902  
from reinstating the offender's license unless the period of 2903  
suspension has been served and no ignition interlock device 2904  
violations have been committed within the sixty days prior to 2905  
the application for reinstatement. 2906

(D) Any ~~such~~ motion that is filed under division (C) (6) of 2907  
this section within ~~that the~~ fourteen-day period shall be 2908  
considered to be filed in a timely manner, and any such motion 2909  
that is filed after that fourteen-day period shall be considered 2910  
not to be filed in a timely manner. If the offender files a 2911  
timely motion, the court may hold a hearing on the matter. The 2912  
scope of the hearing is limited to determining whether the 2913  
offender in fact was prevented from starting a motor vehicle 2914  
that is equipped with a certified ignition interlock device 2915  
because ~~the device was tampered with or circumvented or because~~ 2916  
~~the analysis of the deep lung breath sample or other method~~ 2917  
~~employed by the ignition interlock device to measure the~~ 2918  
~~concentration by weight of alcohol in the offender's breath~~ 2919  
~~indicated the presence of alcohol in the offender's breath in a~~ 2920  
~~concentration sufficient to prevent the ignition interlock~~ 2921  
~~device from permitting the motor vehicle to be started~~ the 2922  
offender committed an ignition interlock device violation. 2923

If the court finds by a preponderance of the evidence that 2924  
~~this instance as indicated by the ignition interlock device in~~ 2925  
~~fact the violation did occur, it may deny the offender's appeal~~ 2926  
~~and issue the order increasing the relevant periods of time~~ 2927  
~~described in this division. If the court finds by a~~ 2928  
preponderance of the evidence that ~~this instance as indicated by~~ 2929  
~~the ignition interlock device in fact the violation did not~~ 2930  
occur, it shall grant the offender's appeal and ~~no such order~~ 2931  
~~shall be issued~~ shall issue an order terminating the increase of 2932  
the offender's suspension. 2933

~~(C)~~ (E) In no case shall any period of suspension of an 2934  
offender's driver's or commercial driver's license or permit or 2935  
nonresident operating privilege that is increased by a factor of 2936  
two under division (C) (3) of this section or any period of time 2937

during which the offender is prohibited from exercising any 2938  
limited driving privileges granted to the offender unless the 2939  
vehicles the offender operates are equipped with a certified 2940  
ignition interlock device that is increased by a factor of two 2941  
under division (C) (3) of this section exceed the maximum period 2942  
of time for which the court originally was authorized to suspend 2943  
the offender's driver's or commercial driver's license or permit 2944  
or nonresident operating privilege under division (G) (1) (a), 2945  
(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 2946  
This division does not apply when a suspension is increased 2947  
under division (C) (5) of this section. 2948

~~(D)~~-(F) Nothing in this section shall be construed as 2949  
prohibiting the court from revoking an individual's driving 2950  
privileges. 2951

**Sec. 4511.19.** (A) (1) No person shall operate any vehicle, 2952  
streetcar, or trackless trolley within this state, if, at the 2953  
time of the operation, any of the following apply: 2954

(a) The person is under the influence of alcohol, a drug 2955  
of abuse, or a combination of them. 2956

(b) The person has a concentration of eight-hundredths of 2957  
one per cent or more but less than seventeen-hundredths of one 2958  
per cent by weight per unit volume of alcohol in the person's 2959  
whole blood. 2960

(c) The person has a concentration of ninety-six- 2961  
thousandths of one per cent or more but less than two hundred 2962  
four-thousandths of one per cent by weight per unit volume of 2963  
alcohol in the person's blood serum or plasma. 2964

(d) The person has a concentration of eight-hundredths of 2965  
one gram or more but less than seventeen-hundredths of one gram 2966

by weight of alcohol per two hundred ten liters of the person's 2967  
breath. 2968

(e) The person has a concentration of eleven-hundredths of 2969  
one gram or more but less than two hundred thirty-eight- 2970  
thousandths of one gram by weight of alcohol per one hundred 2971  
milliliters of the person's urine. 2972

(f) The person has a concentration of seventeen-hundredths 2973  
of one per cent or more by weight per unit volume of alcohol in 2974  
the person's whole blood. 2975

(g) The person has a concentration of two hundred four- 2976  
thousandths of one per cent or more by weight per unit volume of 2977  
alcohol in the person's blood serum or plasma. 2978

(h) The person has a concentration of seventeen-hundredths 2979  
of one gram or more by weight of alcohol per two hundred ten 2980  
liters of the person's breath. 2981

(i) The person has a concentration of two hundred thirty- 2982  
eight-thousandths of one gram or more by weight of alcohol per 2983  
one hundred milliliters of the person's urine. 2984

(j) Except as provided in division (K) of this section, 2985  
the person has a concentration of any of the following 2986  
controlled substances or metabolites of a controlled substance 2987  
in the person's whole blood, blood serum or plasma, or urine 2988  
that equals or exceeds any of the following: 2989

(i) The person has a concentration of amphetamine in the 2990  
person's urine of at least five hundred nanograms of amphetamine 2991  
per milliliter of the person's urine or has a concentration of 2992  
amphetamine in the person's whole blood or blood serum or plasma 2993  
of at least one hundred nanograms of amphetamine per milliliter 2994  
of the person's whole blood or blood serum or plasma. 2995

(ii) The person has a concentration of cocaine in the 2996  
person's urine of at least one hundred fifty nanograms of 2997  
cocaine per milliliter of the person's urine or has a 2998  
concentration of cocaine in the person's whole blood or blood 2999  
serum or plasma of at least fifty nanograms of cocaine per 3000  
milliliter of the person's whole blood or blood serum or plasma. 3001

(iii) The person has a concentration of cocaine metabolite 3002  
in the person's urine of at least one hundred fifty nanograms of 3003  
cocaine metabolite per milliliter of the person's urine or has a 3004  
concentration of cocaine metabolite in the person's whole blood 3005  
or blood serum or plasma of at least fifty nanograms of cocaine 3006  
metabolite per milliliter of the person's whole blood or blood 3007  
serum or plasma. 3008

(iv) The person has a concentration of heroin in the 3009  
person's urine of at least two thousand nanograms of heroin per 3010  
milliliter of the person's urine or has a concentration of 3011  
heroin in the person's whole blood or blood serum or plasma of 3012  
at least fifty nanograms of heroin per milliliter of the 3013  
person's whole blood or blood serum or plasma. 3014

(v) The person has a concentration of heroin metabolite 3015  
(6-monoacetyl morphine) in the person's urine of at least ten 3016  
nanograms of heroin metabolite (6-monoacetyl morphine) per 3017  
milliliter of the person's urine or has a concentration of 3018  
heroin metabolite (6-monoacetyl morphine) in the person's whole 3019  
blood or blood serum or plasma of at least ten nanograms of 3020  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 3021  
person's whole blood or blood serum or plasma. 3022

(vi) The person has a concentration of L.S.D. in the 3023  
person's urine of at least twenty-five nanograms of L.S.D. per 3024  
milliliter of the person's urine or a concentration of L.S.D. in 3025

the person's whole blood or blood serum or plasma of at least 3026  
ten nanograms of L.S.D. per milliliter of the person's whole 3027  
blood or blood serum or plasma. 3028

(vii) The person has a concentration of marihuana in the 3029  
person's urine of at least ten nanograms of marihuana per 3030  
milliliter of the person's urine or has a concentration of 3031  
marihuana in the person's whole blood or blood serum or plasma 3032  
of at least two nanograms of marihuana per milliliter of the 3033  
person's whole blood or blood serum or plasma. 3034

(viii) Either of the following applies: 3035

(I) The person is under the influence of alcohol, a drug 3036  
of abuse, or a combination of them, and, as measured by gas 3037  
chromatography mass spectrometry, the person has a concentration 3038  
of marihuana metabolite in the person's urine of at least 3039  
fifteen nanograms of marihuana metabolite per milliliter of the 3040  
person's urine or has a concentration of marihuana metabolite in 3041  
the person's whole blood or blood serum or plasma of at least 3042  
five nanograms of marihuana metabolite per milliliter of the 3043  
person's whole blood or blood serum or plasma. 3044

(II) As measured by gas chromatography mass spectrometry, 3045  
the person has a concentration of marihuana metabolite in the 3046  
person's urine of at least thirty-five nanograms of marihuana 3047  
metabolite per milliliter of the person's urine or has a 3048  
concentration of marihuana metabolite in the person's whole 3049  
blood or blood serum or plasma of at least fifty nanograms of 3050  
marihuana metabolite per milliliter of the person's whole blood 3051  
or blood serum or plasma. 3052

(ix) The person has a concentration of methamphetamine in 3053  
the person's urine of at least five hundred nanograms of 3054

methamphetamine per milliliter of the person's urine or has a 3055  
concentration of methamphetamine in the person's whole blood or 3056  
blood serum or plasma of at least one hundred nanograms of 3057  
methamphetamine per milliliter of the person's whole blood or 3058  
blood serum or plasma. 3059

(x) The person has a concentration of phencyclidine in the 3060  
person's urine of at least twenty-five nanograms of 3061  
phencyclidine per milliliter of the person's urine or has a 3062  
concentration of phencyclidine in the person's whole blood or 3063  
blood serum or plasma of at least ten nanograms of phencyclidine 3064  
per milliliter of the person's whole blood or blood serum or 3065  
plasma. 3066

(xi) The state board of pharmacy has adopted a rule 3067  
pursuant to section 4729.041 of the Revised Code that specifies 3068  
the amount of salvia divinorum and the amount of salvinorin A 3069  
that constitute concentrations of salvia divinorum and 3070  
salvinorin A in a person's urine, in a person's whole blood, or 3071  
in a person's blood serum or plasma at or above which the person 3072  
is impaired for purposes of operating any vehicle, streetcar, or 3073  
trackless trolley within this state, the rule is in effect, and 3074  
the person has a concentration of salvia divinorum or salvinorin 3075  
A of at least that amount so specified by rule in the person's 3076  
urine, in the person's whole blood, or in the person's blood 3077  
serum or plasma. 3078

(2) No person who, within twenty years of the conduct 3079  
described in division (A)(2)(a) of this section, previously has 3080  
been convicted of or pleaded guilty to a violation of this 3081  
division, a violation of division (A)(1) or (B) of this section, 3082  
or any other equivalent offense shall do both of the following: 3083

(a) Operate any vehicle, streetcar, or trackless trolley 3084



within this state while under the influence of alcohol, a drug 3085  
of abuse, or a combination of them; 3086

(b) Subsequent to being arrested for operating the 3087  
vehicle, streetcar, or trackless trolley as described in 3088  
division (A)(2)(a) of this section, being asked by a law 3089  
enforcement officer to submit to a chemical test or tests under 3090  
section 4511.191 of the Revised Code, and being advised by the 3091  
officer in accordance with section 4511.192 of the Revised Code 3092  
of the consequences of the person's refusal or submission to the 3093  
test or tests, refuse to submit to the test or tests. 3094

(B) No person under twenty-one years of age shall operate 3095  
any vehicle, streetcar, or trackless trolley within this state, 3096  
if, at the time of the operation, any of the following apply: 3097

(1) The person has a concentration of at least two- 3098  
hundredths of one per cent but less than eight-hundredths of one 3099  
per cent by weight per unit volume of alcohol in the person's 3100  
whole blood. 3101

(2) The person has a concentration of at least three- 3102  
hundredths of one per cent but less than ninety-six-thousandths 3103  
of one per cent by weight per unit volume of alcohol in the 3104  
person's blood serum or plasma. 3105

(3) The person has a concentration of at least two- 3106  
hundredths of one gram but less than eight-hundredths of one 3107  
gram by weight of alcohol per two hundred ten liters of the 3108  
person's breath. 3109

(4) The person has a concentration of at least twenty- 3110  
eight one-thousandths of one gram but less than eleven- 3111  
hundredths of one gram by weight of alcohol per one hundred 3112  
milliliters of the person's urine. 3113

(C) In any proceeding arising out of one incident, a 3114  
person may be charged with a violation of division (A) (1) (a) or 3115  
(A) (2) and a violation of division (B) (1), (2), or (3) of this 3116  
section, but the person may not be convicted of more than one 3117  
violation of these divisions. 3118

(D) (1) (a) In any criminal prosecution or juvenile court 3119  
proceeding for a violation of division (A) (1) (a) of this section 3120  
or for an equivalent offense that is vehicle-related, the result 3121  
of any test of any blood or urine withdrawn and analyzed at any 3122  
health care provider, as defined in section 2317.02 of the 3123  
Revised Code, may be admitted with expert testimony to be 3124  
considered with any other relevant and competent evidence in 3125  
determining the guilt or innocence of the defendant. 3126

(b) In any criminal prosecution or juvenile court 3127  
proceeding for a violation of division (A) or (B) of this 3128  
section or for an equivalent offense that is vehicle-related, 3129  
the court may admit evidence on the concentration of alcohol, 3130  
drugs of abuse, controlled substances, metabolites of a 3131  
controlled substance, or a combination of them in the 3132  
defendant's whole blood, blood serum or plasma, breath, urine, 3133  
or other bodily substance at the time of the alleged violation 3134  
as shown by chemical analysis of the substance withdrawn within 3135  
three hours of the time of the alleged violation. The three-hour 3136  
time limit specified in this division regarding the admission of 3137  
evidence does not extend or affect the two-hour time limit 3138  
specified in division (A) of section 4511.192 of the Revised 3139  
Code as the maximum period of time during which a person may 3140  
consent to a chemical test or tests as described in that 3141  
section. The court may admit evidence on the concentration of 3142  
alcohol, drugs of abuse, or a combination of them as described 3143  
in this division when a person submits to a blood, breath, 3144

urine, or other bodily substance test at the request of a law 3145  
enforcement officer under section 4511.191 of the Revised Code 3146  
or a blood or urine sample is obtained pursuant to a search 3147  
warrant. Only a physician, a registered nurse, an emergency 3148  
medical technician-intermediate, an emergency medical 3149  
technician-paramedic, or a qualified technician, chemist, or 3150  
phlebotomist shall withdraw a blood sample for the purpose of 3151  
determining the alcohol, drug, controlled substance, metabolite 3152  
of a controlled substance, or combination content of the whole 3153  
blood, blood serum, or blood plasma. This limitation does not 3154  
apply to the taking of breath or urine specimens. A person 3155  
authorized to withdraw blood under this division may refuse to 3156  
withdraw blood under this division, if in that person's opinion, 3157  
the physical welfare of the person would be endangered by the 3158  
withdrawing of blood. 3159

The bodily substance withdrawn under division (D) (1) (b) of 3160  
this section shall be analyzed in accordance with methods 3161  
approved by the director of health by an individual possessing a 3162  
valid permit issued by the director pursuant to section 3701.143 3163  
of the Revised Code. 3164

(c) As used in division (D) (1) (b) of this section, 3165  
"emergency medical technician-intermediate" and "emergency 3166  
medical technician-paramedic" have the same meanings as in 3167  
section 4765.01 of the Revised Code. 3168

(2) In a criminal prosecution or juvenile court proceeding 3169  
for a violation of division (A) of this section or for an 3170  
equivalent offense that is vehicle-related, if there was at the 3171  
time the bodily substance was withdrawn a concentration of less 3172  
than the applicable concentration of alcohol specified in 3173  
divisions (A) (1) (b), (c), (d), and (e) of this section or less 3174

than the applicable concentration of a listed controlled 3175  
substance or a listed metabolite of a controlled substance 3176  
specified for a violation of division (A) (1) (j) of this section, 3177  
that fact may be considered with other competent evidence in 3178  
determining the guilt or innocence of the defendant. This 3179  
division does not limit or affect a criminal prosecution or 3180  
juvenile court proceeding for a violation of division (B) of 3181  
this section or for an equivalent offense that is substantially 3182  
equivalent to that division. 3183

(3) Upon the request of the person who was tested, the 3184  
results of the chemical test shall be made available to the 3185  
person or the person's attorney, immediately upon the completion 3186  
of the chemical test analysis. 3187

If the chemical test was obtained pursuant to division (D) 3188  
(1) (b) of this section, the person tested may have a physician, 3189  
a registered nurse, or a qualified technician, chemist, or 3190  
phlebotomist of the person's own choosing administer a chemical 3191  
test or tests, at the person's expense, in addition to any 3192  
administered at the request of a law enforcement officer. If the 3193  
person was under arrest as described in division (A) (5) of 3194  
section 4511.191 of the Revised Code, the arresting officer 3195  
shall advise the person at the time of the arrest that the 3196  
person may have an independent chemical test taken at the 3197  
person's own expense. If the person was under arrest other than 3198  
described in division (A) (5) of section 4511.191 of the Revised 3199  
Code, the form to be read to the person to be tested, as 3200  
required under section 4511.192 of the Revised Code, shall state 3201  
that the person may have an independent test performed at the 3202  
person's expense. The failure or inability to obtain an 3203  
additional chemical test by a person shall not preclude the 3204  
admission of evidence relating to the chemical test or tests 3205

taken at the request of a law enforcement officer. 3206

(4) (a) As used in divisions (D) (4) (b) and (c) of this 3207  
section, "national highway traffic safety administration" means 3208  
the national highway traffic safety administration established 3209  
as an administration of the United States department of 3210  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 3211

(b) In any criminal prosecution or juvenile court 3212  
proceeding for a violation of division (A) or (B) of this 3213  
section, of a municipal ordinance relating to operating a 3214  
vehicle while under the influence of alcohol, a drug of abuse, 3215  
or alcohol and a drug of abuse, or of a municipal ordinance 3216  
relating to operating a vehicle with a prohibited concentration 3217  
of alcohol, a controlled substance, or a metabolite of a 3218  
controlled substance in the whole blood, blood serum or plasma, 3219  
breath, or urine, if a law enforcement officer has administered 3220  
a field sobriety test to the operator of the vehicle involved in 3221  
the violation and if it is shown by clear and convincing 3222  
evidence that the officer administered the test in substantial 3223  
compliance with the testing standards for any reliable, 3224  
credible, and generally accepted field sobriety tests that were 3225  
in effect at the time the tests were administered, including, 3226  
but not limited to, any testing standards then in effect that 3227  
were set by the national highway traffic safety administration, 3228  
all of the following apply: 3229

(i) The officer may testify concerning the results of the 3230  
field sobriety test so administered. 3231

(ii) The prosecution may introduce the results of the 3232  
field sobriety test so administered as evidence in any 3233  
proceedings in the criminal prosecution or juvenile court 3234  
proceeding. 3235

(iii) If testimony is presented or evidence is introduced 3236  
under division (D) (4) (b) (i) or (ii) of this section and if the 3237  
testimony or evidence is admissible under the Rules of Evidence, 3238  
the court shall admit the testimony or evidence and the trier of 3239  
fact shall give it whatever weight the trier of fact considers 3240  
to be appropriate. 3241

(c) Division (D) (4) (b) of this section does not limit or 3242  
preclude a court, in its determination of whether the arrest of 3243  
a person was supported by probable cause or its determination of 3244  
any other matter in a criminal prosecution or juvenile court 3245  
proceeding of a type described in that division, from 3246  
considering evidence or testimony that is not otherwise 3247  
disallowed by division (D) (4) (b) of this section. 3248

(E) (1) Subject to division (E) (3) of this section, in any 3249  
criminal prosecution or juvenile court proceeding for a 3250  
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 3251  
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 3252  
an equivalent offense that is substantially equivalent to any of 3253  
those divisions, a laboratory report from any laboratory 3254  
personnel issued a permit by the department of health 3255  
authorizing an analysis as described in this division that 3256  
contains an analysis of the whole blood, blood serum or plasma, 3257  
breath, urine, or other bodily substance tested and that 3258  
contains all of the information specified in this division shall 3259  
be admitted as prima-facie evidence of the information and 3260  
statements that the report contains. The laboratory report shall 3261  
contain all of the following: 3262

(a) The signature, under oath, of any person who performed 3263  
the analysis; 3264

(b) Any findings as to the identity and quantity of 3265

alcohol, a drug of abuse, a controlled substance, a metabolite 3266  
of a controlled substance, or a combination of them that was 3267  
found; 3268

(c) A copy of a notarized statement by the laboratory 3269  
director or a designee of the director that contains the name of 3270  
each certified analyst or test performer involved with the 3271  
report, the analyst's or test performer's employment 3272  
relationship with the laboratory that issued the report, and a 3273  
notation that performing an analysis of the type involved is 3274  
part of the analyst's or test performer's regular duties; 3275

(d) An outline of the analyst's or test performer's 3276  
education, training, and experience in performing the type of 3277  
analysis involved and a certification that the laboratory 3278  
satisfies appropriate quality control standards in general and, 3279  
in this particular analysis, under rules of the department of 3280  
health. 3281

(2) Notwithstanding any other provision of law regarding 3282  
the admission of evidence, a report of the type described in 3283  
division (E)(1) of this section is not admissible against the 3284  
defendant to whom it pertains in any proceeding, other than a 3285  
preliminary hearing or a grand jury proceeding, unless the 3286  
prosecutor has served a copy of the report on the defendant's 3287  
attorney or, if the defendant has no attorney, on the defendant. 3288

(3) A report of the type described in division (E)(1) of 3289  
this section shall not be prima-facie evidence of the contents, 3290  
identity, or amount of any substance if, within seven days after 3291  
the defendant to whom the report pertains or the defendant's 3292  
attorney receives a copy of the report, the defendant or the 3293  
defendant's attorney demands the testimony of the person who 3294  
signed the report. The judge in the case may extend the seven- 3295

day time limit in the interest of justice. 3296

(F) Except as otherwise provided in this division, any 3297  
physician, registered nurse, emergency medical technician- 3298  
intermediate, emergency medical technician-paramedic, or 3299  
qualified technician, chemist, or phlebotomist who withdraws 3300  
blood from a person pursuant to this section or section 4511.191 3301  
or 4511.192 of the Revised Code, and any hospital, first-aid 3302  
station, or clinic at which blood is withdrawn from a person 3303  
pursuant to this section or section 4511.191 or 4511.192 of the 3304  
Revised Code, is immune from criminal liability and civil 3305  
liability based upon a claim of assault and battery or any other 3306  
claim that is not a claim of malpractice, for any act performed 3307  
in withdrawing blood from the person. The immunity provided in 3308  
this division also extends to an emergency medical service 3309  
organization that employs an emergency medical technician- 3310  
intermediate or emergency medical technician-paramedic who 3311  
withdraws blood under this section. The immunity provided in 3312  
this division is not available to a person who withdraws blood 3313  
if the person engages in willful or wanton misconduct. 3314

As used in this division, "emergency medical technician- 3315  
intermediate" and "emergency medical technician-paramedic" have 3316  
the same meanings as in section 4765.01 of the Revised Code. 3317

(G) (1) Whoever violates any provision of divisions (A) (1) 3318  
(a) to (i) or (A) (2) of this section is guilty of operating a 3319  
vehicle under the influence of alcohol, a drug of abuse, or a 3320  
combination of them. Whoever violates division (A) (1) (j) of this 3321  
section is guilty of operating a vehicle while under the 3322  
influence of a listed controlled substance or a listed 3323  
metabolite of a controlled substance. The court shall sentence 3324  
the offender for either offense under Chapter 2929. of the 3325



Revised Code, except as otherwise authorized or required by 3326  
divisions (G) (1) (a) to (e) of this section: 3327

(a) Except as otherwise provided in division (G) (1) (b), 3328  
(c), (d), or (e) of this section, the offender is guilty of a 3329  
misdemeanor of the first degree, and the court shall sentence 3330  
the offender to all of the following: 3331

(i) If the sentence is being imposed for a violation of 3332  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3333  
a mandatory jail term of three consecutive days. As used in this 3334  
division, three consecutive days means seventy-two consecutive 3335  
hours. The court may sentence an offender to both an 3336  
intervention program and a jail term. The court may impose a 3337  
jail term in addition to the three-day mandatory jail term or 3338  
intervention program. However, in no case shall the cumulative 3339  
jail term imposed for the offense exceed six months. 3340

The court may suspend the execution of the three-day jail 3341  
term under this division if the court, in lieu of that suspended 3342  
term, places the offender under a community control sanction 3343  
pursuant to section 2929.25 of the Revised Code and requires the 3344  
offender to attend, for three consecutive days, a drivers' 3345  
intervention program certified under section 5119.38 of the 3346  
Revised Code. The court also may suspend the execution of any 3347  
part of the three-day jail term under this division if it places 3348  
the offender under a community control sanction pursuant to 3349  
section 2929.25 of the Revised Code for part of the three days, 3350  
requires the offender to attend for the suspended part of the 3351  
term a drivers' intervention program so certified, and sentences 3352  
the offender to a jail term equal to the remainder of the three 3353  
consecutive days that the offender does not spend attending the 3354  
program. The court may require the offender, as a condition of 3355

community control and in addition to the required attendance at 3356  
a drivers' intervention program, to attend and satisfactorily 3357  
complete any treatment or education programs that comply with 3358  
the minimum standards adopted pursuant to Chapter 5119. of the 3359  
Revised Code by the director of mental health and addiction 3360  
services that the operators of the drivers' intervention program 3361  
determine that the offender should attend and to report 3362  
periodically to the court on the offender's progress in the 3363  
programs. The court also may impose on the offender any other 3364  
conditions of community control that it considers necessary. 3365

If the court grants unlimited driving privileges to a 3366  
first-time offender under section 4510.022 of the Revised Code, 3367  
all penalties imposed upon the offender by the court under 3368  
division (G) (1) (a) (i) of this section for the offense apply, 3369  
except that the court shall suspend any mandatory or additional 3370  
jail term imposed by the court under division (G) (1) (a) (i) of 3371  
this section upon granting unlimited driving privileges in 3372  
accordance with section 4510.022 of the Revised Code. 3373

(ii) If the sentence is being imposed for a violation of 3374  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3375  
section, except as otherwise provided in this division, a 3376  
mandatory jail term of at least three consecutive days and a 3377  
requirement that the offender attend, for three consecutive 3378  
days, a drivers' intervention program that is certified pursuant 3379  
to section 5119.38 of the Revised Code. As used in this 3380  
division, three consecutive days means seventy-two consecutive 3381  
hours. If the court determines that the offender is not 3382  
conducive to treatment in a drivers' intervention program, if 3383  
the offender refuses to attend a drivers' intervention program, 3384  
or if the jail at which the offender is to serve the jail term 3385  
imposed can provide a driver's intervention program, the court 3386

shall sentence the offender to a mandatory jail term of at least 3387  
six consecutive days. 3388

If the court grants unlimited driving privileges to a 3389  
first-time offender under section 4510.022 of the Revised Code, 3390  
all penalties imposed upon the offender by the court under 3391  
division (G) (1) (a) (ii) of this section for the offense apply, 3392  
except that the court shall suspend any mandatory or additional 3393  
jail term imposed by the court under division (G) (1) (a) (ii) of 3394  
this section upon granting unlimited driving privileges in 3395  
accordance with section 4510.022 of the Revised Code. 3396

The court may require the offender, under a community 3397  
control sanction imposed under section 2929.25 of the Revised 3398  
Code, to attend and satisfactorily complete any treatment or 3399  
education programs that comply with the minimum standards 3400  
adopted pursuant to Chapter 5119. of the Revised Code by the 3401  
director of mental health and addiction services, in addition to 3402  
the required attendance at drivers' intervention program, that 3403  
the operators of the drivers' intervention program determine 3404  
that the offender should attend and to report periodically to 3405  
the court on the offender's progress in the programs. The court 3406  
also may impose any other conditions of community control on the 3407  
offender that it considers necessary. 3408

(iii) In all cases, a fine of not less than three hundred 3409  
seventy-five and not more than one thousand seventy-five 3410  
dollars; 3411

(iv) In all cases, a ~~class five license~~ suspension of the 3412  
offender's driver's or commercial driver's license or permit or 3413  
nonresident operating privilege ~~from the range specified in~~ 3414  
~~division (A) (5) of section 4510.02 of the Revised Code~~ for a 3415  
definite period of one to three years. The court may grant 3416

limited driving privileges relative to the suspension under 3417  
sections 4510.021 and 4510.13 of the Revised Code. The court may 3418  
grant unlimited driving privileges with an ignition interlock 3419  
device relative to the suspension and may reduce the period of 3420  
suspension as authorized under section 4510.022 of the Revised 3421  
Code. 3422

(b) Except as otherwise provided in division (G) (1) (e) of 3423  
this section, an offender who, within ~~six~~-ten years of the 3424  
offense, previously has been convicted of or pleaded guilty to 3425  
one violation of division (A) or (B) of this section or one 3426  
other equivalent offense is guilty of a misdemeanor of the first 3427  
degree. The court shall sentence the offender to all of the 3428  
following: 3429

(i) If the sentence is being imposed for a violation of 3430  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3431  
a mandatory jail term of ten consecutive days. The court shall 3432  
impose the ten-day mandatory jail term under this division 3433  
unless, subject to division (G) (3) of this section, it instead 3434  
imposes a sentence under that division consisting of both a jail 3435  
term and a term of house arrest with electronic monitoring, with 3436  
continuous alcohol monitoring, or with both electronic 3437  
monitoring and continuous alcohol monitoring. The court may 3438  
impose a jail term in addition to the ten-day mandatory jail 3439  
term. The cumulative jail term imposed for the offense shall not 3440  
exceed six months. 3441

In addition to the jail term or the term of house arrest 3442  
with electronic monitoring or continuous alcohol monitoring or 3443  
both types of monitoring and jail term, the court shall require 3444  
the offender to be assessed by a community addiction services 3445  
provider that is authorized by section 5119.21 of the Revised 3446

Code, subject to division (I) of this section, and shall order 3447  
the offender to follow the treatment recommendations of the 3448  
services provider. The purpose of the assessment is to determine 3449  
the degree of the offender's alcohol usage and to determine 3450  
whether or not treatment is warranted. Upon the request of the 3451  
court, the services provider shall submit the results of the 3452  
assessment to the court, including all treatment recommendations 3453  
and clinical diagnoses related to alcohol use. 3454

(ii) If the sentence is being imposed for a violation of 3455  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3456  
section, except as otherwise provided in this division, a 3457  
mandatory jail term of twenty consecutive days. The court shall 3458  
impose the twenty-day mandatory jail term under this division 3459  
unless, subject to division (G)(3) of this section, it instead 3460  
imposes a sentence under that division consisting of both a jail 3461  
term and a term of house arrest with electronic monitoring, with 3462  
continuous alcohol monitoring, or with both electronic 3463  
monitoring and continuous alcohol monitoring. The court may 3464  
impose a jail term in addition to the twenty-day mandatory jail 3465  
term. The cumulative jail term imposed for the offense shall not 3466  
exceed six months. 3467

In addition to the jail term or the term of house arrest 3468  
with electronic monitoring or continuous alcohol monitoring or 3469  
both types of monitoring and jail term, the court shall require 3470  
the offender to be assessed by a community addiction service 3471  
provider that is authorized by section 5119.21 of the Revised 3472  
Code, subject to division (I) of this section, and shall order 3473  
the offender to follow the treatment recommendations of the 3474  
services provider. The purpose of the assessment is to determine 3475  
the degree of the offender's alcohol usage and to determine 3476  
whether or not treatment is warranted. Upon the request of the 3477

court, the services provider shall submit the results of the 3478  
assessment to the court, including all treatment recommendations 3479  
and clinical diagnoses related to alcohol use. 3480

(iii) In all cases, notwithstanding the fines set forth in 3481  
Chapter 2929. of the Revised Code, a fine of not less than five 3482  
hundred twenty-five and not more than one thousand six hundred 3483  
twenty-five dollars; 3484

(iv) In all cases, a ~~class four license~~ suspension of the 3485  
offender's driver's license, commercial driver's license, 3486  
temporary instruction permit, probationary license, or 3487  
nonresident operating privilege ~~from the range specified in~~ 3488  
~~division (A) (4) of section 4510.02 of the Revised Code~~ for a 3489  
definite period of one to seven years. The court may grant 3490  
limited driving privileges relative to the suspension under 3491  
sections 4510.021 and 4510.13 of the Revised Code. 3492

(v) In all cases, if the vehicle is registered in the 3493  
offender's name, immobilization of the vehicle involved in the 3494  
offense for ninety days in accordance with section 4503.233 of 3495  
the Revised Code and impoundment of the license plates of that 3496  
vehicle for ninety days. 3497

(c) Except as otherwise provided in division (G) (1) (e) of 3498  
this section, an offender who, within ~~six~~ ten years of the 3499  
offense, previously has been convicted of or pleaded guilty to 3500  
two violations of division (A) or (B) of this section or other 3501  
equivalent offenses is guilty of a misdemeanor. The court shall 3502  
sentence the offender to all of the following: 3503

(i) If the sentence is being imposed for a violation of 3504  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3505  
a mandatory jail term of thirty consecutive days. The court 3506

shall impose the thirty-day mandatory jail term under this 3507  
division unless, subject to division (G) (3) of this section, it 3508  
instead imposes a sentence under that division consisting of 3509  
both a jail term and a term of house arrest with electronic 3510  
monitoring, with continuous alcohol monitoring, or with both 3511  
electronic monitoring and continuous alcohol monitoring. The 3512  
court may impose a jail term in addition to the thirty-day 3513  
mandatory jail term. Notwithstanding the jail terms set forth in 3514  
sections 2929.21 to 2929.28 of the Revised Code, the additional 3515  
jail term shall not exceed one year, and the cumulative jail 3516  
term imposed for the offense shall not exceed one year. 3517

(ii) If the sentence is being imposed for a violation of 3518  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3519  
section, a mandatory jail term of sixty consecutive days. The 3520  
court shall impose the sixty-day mandatory jail term under this 3521  
division unless, subject to division (G) (3) of this section, it 3522  
instead imposes a sentence under that division consisting of 3523  
both a jail term and a term of house arrest with electronic 3524  
monitoring, with continuous alcohol monitoring, or with both 3525  
electronic monitoring and continuous alcohol monitoring. The 3526  
court may impose a jail term in addition to the sixty-day 3527  
mandatory jail term. Notwithstanding the jail terms set forth in 3528  
sections 2929.21 to 2929.28 of the Revised Code, the additional 3529  
jail term shall not exceed one year, and the cumulative jail 3530  
term imposed for the offense shall not exceed one year. 3531

(iii) In all cases, notwithstanding the fines set forth in 3532  
Chapter 2929. of the Revised Code, a fine of not less than eight 3533  
hundred fifty and not more than two thousand seven hundred fifty 3534  
dollars; 3535

(iv) In all cases, a ~~class three license~~ suspension of the 3536

offender's driver's license, commercial driver's license, 3537  
temporary instruction permit, probationary license, or 3538  
nonresident operating privilege ~~from the range specified in~~ 3539  
~~division (A) (3) of section 4510.02 of the Revised Code~~ for a 3540  
definite period of two to twelve years. The court may grant 3541  
limited driving privileges relative to the suspension under 3542  
sections 4510.021 and 4510.13 of the Revised Code. 3543

(v) In all cases, if the vehicle is registered in the 3544  
offender's name, criminal forfeiture of the vehicle involved in 3545  
the offense in accordance with section 4503.234 of the Revised 3546  
Code. Division (G) (6) of this section applies regarding any 3547  
vehicle that is subject to an order of criminal forfeiture under 3548  
this division. 3549

(vi) In all cases, the court shall order the offender to 3550  
participate with a community addiction services provider 3551  
authorized by section 5119.21 of the Revised Code, subject to 3552  
division (I) of this section, and shall order the offender to 3553  
follow the treatment recommendations of the services provider. 3554  
The operator of the services provider shall determine and assess 3555  
the degree of the offender's alcohol dependency and shall make 3556  
recommendations for treatment. Upon the request of the court, 3557  
the services provider shall submit the results of the assessment 3558  
to the court, including all treatment recommendations and 3559  
clinical diagnoses related to alcohol use. 3560

(d) Except as otherwise provided in division (G) (1) (e) of 3561  
this section, an offender who, within ~~six~~ ten years of the 3562  
offense, previously has been convicted of or pleaded guilty to 3563  
three or four violations of division (A) or (B) of this section 3564  
or other equivalent offenses or an offender who, within twenty 3565  
years of the offense, previously has been convicted of or 3566



pleaded guilty to five or more violations of that nature is 3567  
guilty of a felony of the fourth degree. The court shall 3568  
sentence the offender to all of the following: 3569

(i) If the sentence is being imposed for a violation of 3570  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3571  
a mandatory prison term of one, two, three, four, or five years 3572  
as required by and in accordance with division (G)(2) of section 3573  
2929.13 of the Revised Code if the offender also is convicted of 3574  
or also pleads guilty to a specification of the type described 3575  
in section 2941.1413 of the Revised Code or, in the discretion 3576  
of the court, either a mandatory term of local incarceration of 3577  
sixty consecutive days in accordance with division (G)(1) of 3578  
section 2929.13 of the Revised Code or a mandatory prison term 3579  
of sixty consecutive days in accordance with division (G)(2) of 3580  
that section if the offender is not convicted of and does not 3581  
plead guilty to a specification of that type. If the court 3582  
imposes a mandatory term of local incarceration, it may impose a 3583  
jail term in addition to the sixty-day mandatory term, the 3584  
cumulative total of the mandatory term and the jail term for the 3585  
offense shall not exceed one year, and, except as provided in 3586  
division (A)(1) of section 2929.13 of the Revised Code, no 3587  
prison term is authorized for the offense. If the court imposes 3588  
a mandatory prison term, notwithstanding division (A)(4) of 3589  
section 2929.14 of the Revised Code, it also may sentence the 3590  
offender to a definite prison term that shall be not less than 3591  
six months and not more than thirty months and the prison terms 3592  
shall be imposed as described in division (G)(2) of section 3593  
2929.13 of the Revised Code. If the court imposes a mandatory 3594  
prison term or mandatory prison term and additional prison term, 3595  
in addition to the term or terms so imposed, the court also may 3596  
sentence the offender to a community control sanction for the 3597

offense, but the offender shall serve all of the prison terms so 3598  
imposed prior to serving the community control sanction. 3599

(ii) If the sentence is being imposed for a violation of 3600  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3601  
section, a mandatory prison term of one, two, three, four, or 3602  
five years as required by and in accordance with division (G)(2) 3603  
of section 2929.13 of the Revised Code if the offender also is 3604  
convicted of or also pleads guilty to a specification of the 3605  
type described in section 2941.1413 of the Revised Code or, in 3606  
the discretion of the court, either a mandatory term of local 3607  
incarceration of one hundred twenty consecutive days in 3608  
accordance with division (G)(1) of section 2929.13 of the 3609  
Revised Code or a mandatory prison term of one hundred twenty 3610  
consecutive days in accordance with division (G)(2) of that 3611  
section if the offender is not convicted of and does not plead 3612  
guilty to a specification of that type. If the court imposes a 3613  
mandatory term of local incarceration, it may impose a jail term 3614  
in addition to the one hundred twenty-day mandatory term, the 3615  
cumulative total of the mandatory term and the jail term for the 3616  
offense shall not exceed one year, and, except as provided in 3617  
division (A)(1) of section 2929.13 of the Revised Code, no 3618  
prison term is authorized for the offense. If the court imposes 3619  
a mandatory prison term, notwithstanding division (A)(4) of 3620  
section 2929.14 of the Revised Code, it also may sentence the 3621  
offender to a definite prison term that shall be not less than 3622  
six months and not more than thirty months and the prison terms 3623  
shall be imposed as described in division (G)(2) of section 3624  
2929.13 of the Revised Code. If the court imposes a mandatory 3625  
prison term or mandatory prison term and additional prison term, 3626  
in addition to the term or terms so imposed, the court also may 3627  
sentence the offender to a community control sanction for the 3628

offense, but the offender shall serve all of the prison terms so 3629  
imposed prior to serving the community control sanction. 3630

(iii) In all cases, notwithstanding section 2929.18 of the 3631  
Revised Code, a fine of not less than one thousand three hundred 3632  
fifty nor more than ten thousand five hundred dollars; 3633

(iv) In all cases, a class two license suspension of the 3634  
offender's driver's license, commercial driver's license, 3635  
temporary instruction permit, probationary license, or 3636  
nonresident operating privilege from the range specified in 3637  
division (A)(2) of section 4510.02 of the Revised Code. The 3638  
court may grant limited driving privileges relative to the 3639  
suspension under sections 4510.021 and 4510.13 of the Revised 3640  
Code. 3641

(v) In all cases, if the vehicle is registered in the 3642  
offender's name, criminal forfeiture of the vehicle involved in 3643  
the offense in accordance with section 4503.234 of the Revised 3644  
Code. Division (G)(6) of this section applies regarding any 3645  
vehicle that is subject to an order of criminal forfeiture under 3646  
this division. 3647

(vi) In all cases, the court shall order the offender to 3648  
participate with a community addiction services provider 3649  
authorized by section 5119.21 of the Revised Code, subject to 3650  
division (I) of this section, and shall order the offender to 3651  
follow the treatment recommendations of the services provider. 3652  
The operator of the services provider shall determine and assess 3653  
the degree of the offender's alcohol dependency and shall make 3654  
recommendations for treatment. Upon the request of the court, 3655  
the services provider shall submit the results of the assessment 3656  
to the court, including all treatment recommendations and 3657  
clinical diagnoses related to alcohol use. 3658

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

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

(i) If the offender is being sentenced for a violation of division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of sixty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a sixty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

(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, a mandatory prison term of one, two, three, four, or five years as required by and in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or a mandatory prison term of one hundred twenty consecutive days in accordance with division (G)(2) of section 2929.13 of the Revised Code if the offender is not convicted of and does not plead guilty to a specification of that type. The court may impose a prison term in addition to the mandatory prison term. The cumulative total of a one hundred twenty-day mandatory prison term and the additional prison term for the offense shall not exceed five years. In addition to the mandatory prison term or mandatory prison term and additional prison term the court imposes, the court also may sentence the offender to a community control sanction for the offense, but the offender shall serve all of the prison terms so imposed prior to serving the community control sanction.

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

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

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

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

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

(3) If an offender is sentenced to a jail term under division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this section and if, within sixty days of sentencing of the offender, the court issues a written finding on the record that, due to the unavailability of space at the jail where the offender is required to serve the term, the offender will not be able to

begin serving that term within the sixty-day period following 3751  
the date of sentencing, the court may impose an alternative 3752  
sentence under this division that includes a term of house 3753  
arrest with electronic monitoring, with continuous alcohol 3754  
monitoring, or with both electronic monitoring and continuous 3755  
alcohol monitoring. 3756

As an alternative to a mandatory jail term of ten 3757  
consecutive days required by division (G) (1) (b) (i) of this 3758  
section, the court, under this division, may sentence the 3759  
offender to five consecutive days in jail and not less than 3760  
eighteen consecutive days of house arrest with electronic 3761  
monitoring, with continuous alcohol monitoring, or with both 3762  
electronic monitoring and continuous alcohol monitoring. The 3763  
cumulative total of the five consecutive days in jail and the 3764  
period of house arrest with electronic monitoring, continuous 3765  
alcohol monitoring, or both types of monitoring shall not exceed 3766  
six months. The five consecutive days in jail do not have to be 3767  
served prior to or consecutively to the period of house arrest. 3768

As an alternative to the mandatory jail term of twenty 3769  
consecutive days required by division (G) (1) (b) (ii) of this 3770  
section, the court, under this division, may sentence the 3771  
offender to ten consecutive days in jail and not less than 3772  
thirty-six consecutive days of house arrest with electronic 3773  
monitoring, with continuous alcohol monitoring, or with both 3774  
electronic monitoring and continuous alcohol monitoring. The 3775  
cumulative total of the ten consecutive days in jail and the 3776  
period of house arrest with electronic monitoring, continuous 3777  
alcohol monitoring, or both types of monitoring shall not exceed 3778  
six months. The ten consecutive days in jail do not have to be 3779  
served prior to or consecutively to the period of house arrest. 3780

As an alternative to a mandatory jail term of thirty 3781  
consecutive days required by division (G) (1) (c) (i) of this 3782  
section, the court, under this division, may sentence the 3783  
offender to fifteen consecutive days in jail and not less than 3784  
fifty-five consecutive days of house arrest with electronic 3785  
monitoring, with continuous alcohol monitoring, or with both 3786  
electronic monitoring and continuous alcohol monitoring. The 3787  
cumulative total of the fifteen consecutive days in jail and the 3788  
period of house arrest with electronic monitoring, continuous 3789  
alcohol monitoring, or both types of monitoring shall not exceed 3790  
one year. The fifteen consecutive days in jail do not have to be 3791  
served prior to or consecutively to the period of house arrest. 3792

As an alternative to the mandatory jail term of sixty 3793  
consecutive days required by division (G) (1) (c) (ii) of this 3794  
section, the court, under this division, may sentence the 3795  
offender to thirty consecutive days in jail and not less than 3796  
one hundred ten consecutive days of house arrest with electronic 3797  
monitoring, with continuous alcohol monitoring, or with both 3798  
electronic monitoring and continuous alcohol monitoring. The 3799  
cumulative total of the thirty consecutive days in jail and the 3800  
period of house arrest with electronic monitoring, continuous 3801  
alcohol monitoring, or both types of monitoring shall not exceed 3802  
one year. The thirty consecutive days in jail do not have to be 3803  
served prior to or consecutively to the period of house arrest. 3804

(4) If an offender's driver's or occupational driver's 3805  
license or permit or nonresident operating privilege is 3806  
suspended under division (G) of this section and if section 3807  
4510.13 of the Revised Code permits the court to grant limited 3808  
driving privileges, the court may grant the limited driving 3809  
privileges in accordance with that section. If division (A) (7) 3810  
of that section requires that the court impose as a condition of 3811



the privileges that the offender must display on the vehicle 3812  
that is driven subject to the privileges restricted license 3813  
plates that are issued under section 4503.231 of the Revised 3814  
Code, except as provided in division (B) of that section, the 3815  
court shall impose that condition as one of the conditions of 3816  
the limited driving privileges granted to the offender, except 3817  
as provided in division (B) of section 4503.231 of the Revised 3818  
Code. 3819

(5) Fines imposed under this section for a violation of 3820  
division (A) of this section shall be distributed as follows: 3821

(a) Twenty-five dollars of the fine imposed under division 3822  
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 3823  
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 3824  
fine imposed under division (G) (1) (c) (iii), and two hundred ten 3825  
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 3826  
(iii) of this section shall be paid to an enforcement and 3827  
education fund established by the legislative authority of the 3828  
law enforcement agency in this state that primarily was 3829  
responsible for the arrest of the offender, as determined by the 3830  
court that imposes the fine. The agency shall use this share to 3831  
pay only those costs it incurs in enforcing this section or a 3832  
municipal OVI ordinance and in informing the public of the laws 3833  
governing the operation of a vehicle while under the influence 3834  
of alcohol, the dangers of the operation of a vehicle under the 3835  
influence of alcohol, and other information relating to the 3836  
operation of a vehicle under the influence of alcohol and the 3837  
consumption of alcoholic beverages. 3838

(b) Fifty dollars of the fine imposed under division (G) 3839  
(1) (a) (iii) of this section shall be paid to the political 3840  
subdivision that pays the cost of housing the offender during 3841

the offender's term of incarceration. If the offender is being 3842  
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 3843  
(e), or (j) of this section and was confined as a result of the 3844  
offense prior to being sentenced for the offense but is not 3845  
sentenced to a term of incarceration, the fifty dollars shall be 3846  
paid to the political subdivision that paid the cost of housing 3847  
the offender during that period of confinement. The political 3848  
subdivision shall use the share under this division to pay or 3849  
reimburse incarceration or treatment costs it incurs in housing 3850  
or providing drug and alcohol treatment to persons who violate 3851  
this section or a municipal OVI ordinance, costs of any 3852  
immobilizing or disabling device used on the offender's vehicle, 3853  
and costs of electronic house arrest equipment needed for 3854  
persons who violate this section. 3855

(c) Twenty-five dollars of the fine imposed under division 3856  
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 3857  
division (G) (1) (b) (iii) of this section shall be deposited into 3858  
the county or municipal indigent drivers' alcohol treatment fund 3859  
under the control of that court, as created by the county or 3860  
municipal corporation under division (F) of section 4511.191 of 3861  
the Revised Code. 3862

(d) One hundred fifteen dollars of the fine imposed under 3863  
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 3864  
the fine imposed under division (G) (1) (c) (iii), and four hundred 3865  
forty dollars of the fine imposed under division (G) (1) (d) (iii) 3866  
or (e) (iii) of this section shall be paid to the political 3867  
subdivision that pays the cost of housing the offender during 3868  
the offender's term of incarceration. The political subdivision 3869  
shall use this share to pay or reimburse incarceration or 3870  
treatment costs it incurs in housing or providing drug and 3871  
alcohol treatment to persons who violate this section or a 3872

municipal OVI ordinance, costs for any immobilizing or disabling device used on the offender's vehicle, and costs of electronic house arrest equipment needed for persons who violate this section.

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

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

(g) The balance of the fine imposed under division (G) (1) 3903  
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 3904  
section shall be disbursed as otherwise provided by law. 3905

(6) If title to a motor vehicle that is subject to an 3906  
order of criminal forfeiture under division (G) (1) (c), (d), or 3907  
(e) of this section is assigned or transferred and division (B) 3908  
(2) or (3) of section 4503.234 of the Revised Code applies, in 3909  
addition to or independent of any other penalty established by 3910  
law, the court may fine the offender the value of the vehicle as 3911  
determined by publications of the national automobile dealers 3912  
association. The proceeds of any fine so imposed shall be 3913  
distributed in accordance with division (C) (2) of that section. 3914

(7) In all cases in which an offender is sentenced under 3915  
division (G) of this section, the offender shall provide the 3916  
court with proof of financial responsibility as defined in 3917  
section 4509.01 of the Revised Code. If the offender fails to 3918  
provide that proof of financial responsibility, the court, in 3919  
addition to any other penalties provided by law, may order 3920  
restitution pursuant to section 2929.18 or 2929.28 of the 3921  
Revised Code in an amount not exceeding five thousand dollars 3922  
for any economic loss arising from an accident or collision that 3923  
was the direct and proximate result of the offender's operation 3924  
of the vehicle before, during, or after committing the offense 3925  
for which the offender is sentenced under division (G) of this 3926  
section. 3927

(8) As used in division (G) of this section, "electronic 3928  
monitoring," "mandatory prison term," and "mandatory term of 3929  
local incarceration" have the same meanings as in section 3930  
2929.01 of the Revised Code. 3931

(H) Whoever violates division (B) of this section is 3932

guilty of operating a vehicle after underage alcohol consumption 3933  
and shall be punished as follows: 3934

(1) Except as otherwise provided in division (H) (2) of 3935  
this section, the offender is guilty of a misdemeanor of the 3936  
fourth degree. In addition to any other sanction imposed for the 3937  
offense, the court shall impose a class six suspension of the 3938  
offender's driver's license, commercial driver's license, 3939  
temporary instruction permit, probationary license, or 3940  
nonresident operating privilege from the range specified in 3941  
division (A) (6) of section 4510.02 of the Revised Code. The 3942  
court may grant limited driving privileges relative to the 3943  
suspension under sections 4510.021 and 4510.13 of the Revised 3944  
Code. The court may grant unlimited driving privileges with an 3945  
ignition interlock device relative to the suspension and may 3946  
reduce the period of suspension as authorized under section 3947  
4510.022 of the Revised Code. If the court grants unlimited 3948  
driving privileges under section 4510.022 of the Revised Code, 3949  
the court shall suspend any jail term imposed under division (H) 3950  
(1) of this section as required under that section. 3951

(2) If, within one year of the offense, the offender 3952  
previously has been convicted of or pleaded guilty to one or 3953  
more violations of division (A) or (B) of this section or other 3954  
equivalent offenses, the offender is guilty of a misdemeanor of 3955  
the third degree. In addition to any other sanction imposed for 3956  
the offense, the court shall impose a class four suspension of 3957  
the offender's driver's license, commercial driver's license, 3958  
temporary instruction permit, probationary license, or 3959  
nonresident operating privilege from the range specified in 3960  
division (A) (4) of section 4510.02 of the Revised Code. The 3961  
court may grant limited driving privileges relative to the 3962  
suspension under sections 4510.021 and 4510.13 of the Revised 3963

Code. 3964

(3) If the offender also is convicted of or also pleads 3965  
guilty to a specification of the type described in section 3966  
2941.1416 of the Revised Code and if the court imposes a jail 3967  
term for the violation of division (B) of this section, the 3968  
court shall impose upon the offender an additional definite jail 3969  
term pursuant to division (E) of section 2929.24 of the Revised 3970  
Code. 3971

(4) The offender shall provide the court with proof of 3972  
financial responsibility as defined in section 4509.01 of the 3973  
Revised Code. If the offender fails to provide that proof of 3974  
financial responsibility, then, in addition to any other 3975  
penalties provided by law, the court may order restitution 3976  
pursuant to section 2929.28 of the Revised Code in an amount not 3977  
exceeding five thousand dollars for any economic loss arising 3978  
from an accident or collision that was the direct and proximate 3979  
result of the offender's operation of the vehicle before, 3980  
during, or after committing the violation of division (B) of 3981  
this section. 3982

(I) (1) No court shall sentence an offender to an alcohol 3983  
treatment program under this section unless the treatment 3984  
program complies with the minimum standards for alcohol 3985  
treatment programs adopted under Chapter 5119. of the Revised 3986  
Code by the director of mental health and addiction services. 3987

(2) An offender who stays in a drivers' intervention 3988  
program or in an alcohol treatment program under an order issued 3989  
under this section shall pay the cost of the stay in the 3990  
program. However, if the court determines that an offender who 3991  
stays in an alcohol treatment program under an order issued 3992  
under this section is unable to pay the cost of the stay in the 3993

program, the court may order that the cost be paid from the 3994  
court's indigent drivers' alcohol treatment fund. 3995

(J) If a person whose driver's or commercial driver's 3996  
license or permit or nonresident operating privilege is 3997  
suspended under this section files an appeal regarding any 3998  
aspect of the person's trial or sentence, the appeal itself does 3999  
not stay the operation of the suspension. 4000

(K) Division (A)(1)(j) of this section does not apply to a 4001  
person who operates a vehicle, streetcar, or trackless trolley 4002  
while the person has a concentration of a listed controlled 4003  
substance or a listed metabolite of a controlled substance in 4004  
the person's whole blood, blood serum or plasma, or urine that 4005  
equals or exceeds the amount specified in that division, if both 4006  
of the following apply: 4007

(1) The person obtained the controlled substance pursuant 4008  
to a prescription issued by a licensed health professional 4009  
authorized to prescribe drugs. 4010

(2) The person injected, ingested, or inhaled the 4011  
controlled substance in accordance with the health 4012  
professional's directions. 4013

(L) The prohibited concentrations of a controlled 4014  
substance or a metabolite of a controlled substance listed in 4015  
division (A)(1)(j) of this section also apply in a prosecution 4016  
of a violation of division (D) of section 2923.16 of the Revised 4017  
Code in the same manner as if the offender is being prosecuted 4018  
for a prohibited concentration of alcohol. 4019

(M) All terms defined in section 4510.01 of the Revised 4020  
Code apply to this section. If the meaning of a term defined in 4021  
section 4510.01 of the Revised Code conflicts with the meaning 4022

of the same term as defined in section 4501.01 or 4511.01 of the Revised Code, the term as defined in section 4510.01 of the Revised Code applies to this section.

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

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

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

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

(b) "Alcohol monitoring device" means any device that provides for continuous alcohol monitoring, any ignition interlock device, any immobilizing or disabling device other than an ignition interlock device that is constantly available to monitor the concentration of alcohol in a person's system, or any other device that provides for the automatic testing and periodic reporting of alcohol consumption by a person and that a court orders a person to use as a sanction imposed as a result of the person's conviction of or plea of guilty to an offense.

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

(2) Any person who operates a vehicle, streetcar, or trackless trolley upon a highway or any public or private



property used by the public for vehicular travel or parking 4052  
within this state or who is in physical control of a vehicle, 4053  
streetcar, or trackless trolley shall be deemed to have given 4054  
consent to a chemical test or tests of the person's whole blood, 4055  
blood serum or plasma, breath, or urine to determine the 4056  
alcohol, drug of abuse, controlled substance, metabolite of a 4057  
controlled substance, or combination content of the person's 4058  
whole blood, blood serum or plasma, breath, or urine if arrested 4059  
for a violation of division (A) or (B) of section 4511.19 of the 4060  
Revised Code, section 4511.194 of the Revised Code or a 4061  
substantially equivalent municipal ordinance, or a municipal OVI 4062  
ordinance. 4063

(3) The chemical test or tests under division (A) (2) of 4064  
this section shall be administered at the request of a law 4065  
enforcement officer having reasonable grounds to believe the 4066  
person was operating or in physical control of a vehicle, 4067  
streetcar, or trackless trolley in violation of a division, 4068  
section, or ordinance identified in division (A) (2) of this 4069  
section. The law enforcement agency by which the officer is 4070  
employed shall designate which of the tests shall be 4071  
administered. 4072

(4) Any person who is dead or unconscious, or who 4073  
otherwise is in a condition rendering the person incapable of 4074  
refusal, shall be deemed to have consented as provided in 4075  
division (A) (2) of this section, and the test or tests may be 4076  
administered, subject to sections 313.12 to 313.16 of the 4077  
Revised Code. 4078

(5) (a) If a law enforcement officer arrests a person for a 4079  
violation of division (A) or (B) of section 4511.19 of the 4080  
Revised Code, section 4511.194 of the Revised Code or a 4081

substantially equivalent municipal ordinance, or a municipal OVI 4082  
ordinance and if the person if convicted would be required to be 4083  
sentenced under division (G) (1) (c), (d), or (e) of section 4084  
4511.19 of the Revised Code, the law enforcement officer shall 4085  
request the person to submit, and the person shall submit, to a 4086  
chemical test or tests of the person's whole blood, blood serum 4087  
or plasma, breath, or urine for the purpose of determining the 4088  
alcohol, drug of abuse, controlled substance, metabolite of a 4089  
controlled substance, or combination content of the person's 4090  
whole blood, blood serum or plasma, breath, or urine. A law 4091  
enforcement officer who makes a request pursuant to this 4092  
division that a person submit to a chemical test or tests is not 4093  
required to advise the person of the consequences of submitting 4094  
to, or refusing to submit to, the test or tests and is not 4095  
required to give the person the form described in division (B) 4096  
of section 4511.192 of the Revised Code, but the officer shall 4097  
advise the person at the time of the arrest that if the person 4098  
refuses to take a chemical test the officer may employ whatever 4099  
reasonable means are necessary to ensure that the person submits 4100  
to a chemical test of the person's whole blood or blood serum or 4101  
plasma. The officer shall also advise the person at the time of 4102  
the arrest that the person may have an independent chemical test 4103  
taken at the person's own expense. Divisions (A) (3) and (4) of 4104  
this section apply to the administration of a chemical test or 4105  
tests pursuant to this division. 4106

(b) If a person refuses to submit to a chemical test upon 4107  
a request made pursuant to division (A) (5) (a) of this section, 4108  
the law enforcement officer who made the request may employ 4109  
whatever reasonable means are necessary to ensure that the 4110  
person submits to a chemical test of the person's whole blood or 4111  
blood serum or plasma. A law enforcement officer who acts 4112

pursuant to this division to ensure that a person submits to a 4113  
chemical test of the person's whole blood or blood serum or 4114  
plasma is immune from criminal and civil liability based upon a 4115  
claim for assault and battery or any other claim for the acts, 4116  
unless the officer so acted with malicious purpose, in bad 4117  
faith, or in a wanton or reckless manner. 4118

(B) (1) Upon receipt of the sworn report of a law 4119  
enforcement officer who arrested a person for a violation of 4120  
division (A) or (B) of section 4511.19 of the Revised Code, 4121  
section 4511.194 of the Revised Code or a substantially 4122  
equivalent municipal ordinance, or a municipal OVI ordinance 4123  
that was completed and sent to the registrar of motor vehicles 4124  
and a court pursuant to section 4511.192 of the Revised Code in 4125  
regard to a person who refused to take the designated chemical 4126  
test, the registrar shall enter into the registrar's records the 4127  
fact that the person's driver's or commercial driver's license 4128  
or permit or nonresident operating privilege was suspended by 4129  
the arresting officer under this division and that section and 4130  
the period of the suspension, as determined under this section. 4131  
The suspension shall be subject to appeal as provided in section 4132  
4511.197 of the Revised Code. The suspension shall be for 4133  
whichever of the following periods applies: 4134

(a) Except when division (B) (1) (b), (c), or (d) of this 4135  
section applies and specifies a different class or length of 4136  
suspension, the suspension shall be a class C suspension for the 4137  
period of time specified in division (B) (3) of section 4510.02 4138  
of the Revised Code. 4139

(b) If the arrested person, within ~~six~~-ten years of the 4140  
date on which the person refused the request to consent to the 4141  
chemical test, had refused one previous request to consent to a 4142

chemical test or had been convicted of or pleaded guilty to one 4143  
violation of division (A) or (B) of section 4511.19 of the 4144  
Revised Code or one other equivalent offense, the suspension 4145  
shall be a class B suspension imposed for the period of time 4146  
specified in division (B) (2) of section 4510.02 of the Revised 4147  
Code. 4148

(c) If the arrested person, within ~~six~~-ten years of the 4149  
date on which the person refused the request to consent to the 4150  
chemical test, had refused two previous requests to consent to a 4151  
chemical test, had been convicted of or pleaded guilty to two 4152  
violations of division (A) or (B) of section 4511.19 of the 4153  
Revised Code or other equivalent offenses, or had refused one 4154  
previous request to consent to a chemical test and also had been 4155  
convicted of or pleaded guilty to one violation of division (A) 4156  
or (B) of section 4511.19 of the Revised Code or other 4157  
equivalent offenses, which violation or offense arose from an 4158  
incident other than the incident that led to the refusal, the 4159  
suspension shall be a class A suspension imposed for the period 4160  
of time specified in division (B) (1) of section 4510.02 of the 4161  
Revised Code. 4162

(d) If the arrested person, within ~~six~~-ten years of the 4163  
date on which the person refused the request to consent to the 4164  
chemical test, had refused three or more previous requests to 4165  
consent to a chemical test, had been convicted of or pleaded 4166  
guilty to three or more violations of division (A) or (B) of 4167  
section 4511.19 of the Revised Code or other equivalent 4168  
offenses, or had refused a number of previous requests to 4169  
consent to a chemical test and also had been convicted of or 4170  
pleaded guilty to a number of violations of division (A) or (B) 4171  
of section 4511.19 of the Revised Code or other equivalent 4172  
offenses that cumulatively total three or more such refusals, 4173

convictions, and guilty pleas, the suspension shall be for five 4174  
years. 4175

(2) The registrar shall terminate a suspension of the 4176  
driver's or commercial driver's license or permit of a resident 4177  
or of the operating privilege of a nonresident, or a denial of a 4178  
driver's or commercial driver's license or permit, imposed 4179  
pursuant to division (B)(1) of this section upon receipt of 4180  
notice that the person has entered a plea of guilty to, or that 4181  
the person has been convicted after entering a plea of no 4182  
contest to, operating a vehicle in violation of section 4511.19 4183  
of the Revised Code or in violation of a municipal OVI 4184  
ordinance, if the offense for which the conviction is had or the 4185  
plea is entered arose from the same incident that led to the 4186  
suspension or denial. 4187

The registrar shall credit against any judicial suspension 4188  
of a person's driver's or commercial driver's license or permit 4189  
or nonresident operating privilege imposed pursuant to section 4190  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4191  
the Revised Code for a violation of a municipal OVI ordinance, 4192  
any time during which the person serves a related suspension 4193  
imposed pursuant to division (B)(1) of this section. 4194

(C)(1) Upon receipt of the sworn report of the law 4195  
enforcement officer who arrested a person for a violation of 4196  
division (A) or (B) of section 4511.19 of the Revised Code or a 4197  
municipal OVI ordinance that was completed and sent to the 4198  
registrar and a court pursuant to section 4511.192 of the 4199  
Revised Code in regard to a person whose test results indicate 4200  
that the person's whole blood, blood serum or plasma, breath, or 4201  
urine contained at least the concentration of alcohol specified 4202  
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of 4203

the Revised Code or at least the concentration of a listed 4204  
controlled substance or a listed metabolite of a controlled 4205  
substance specified in division (A) (1) (j) of section 4511.19 of 4206  
the Revised Code, the registrar shall enter into the registrar's 4207  
records the fact that the person's driver's or commercial 4208  
driver's license or permit or nonresident operating privilege 4209  
was suspended by the arresting officer under this division and 4210  
section 4511.192 of the Revised Code and the period of the 4211  
suspension, as determined under divisions (C) (1) (a) to (d) of 4212  
this section. The suspension shall be subject to appeal as 4213  
provided in section 4511.197 of the Revised Code. The suspension 4214  
described in this division does not apply to, and shall not be 4215  
imposed upon, a person arrested for a violation of section 4216  
4511.194 of the Revised Code or a substantially equivalent 4217  
municipal ordinance who submits to a designated chemical test. 4218  
The suspension shall be for whichever of the following periods 4219  
applies: 4220

(a) Except when division (C) (1) (b), (c), or (d) of this 4221  
section applies and specifies a different period, the suspension 4222  
shall be a class E suspension imposed for the period of time 4223  
specified in division (B) (5) of section 4510.02 of the Revised 4224  
Code. 4225

(b) The suspension shall be a class C suspension for the 4226  
period of time specified in division (B) (3) of section 4510.02 4227  
of the Revised Code if the person has been convicted of or 4228  
pleaded guilty to, within ~~six~~ten years of the date the test was 4229  
conducted, one violation of division (A) or (B) of section 4230  
4511.19 of the Revised Code or one other equivalent offense. 4231

(c) If, within ~~six~~ten years of the date the test was 4232  
conducted, the person has been convicted of or pleaded guilty to 4233

two violations of a statute or ordinance described in division 4234  
(C) (1) (b) of this section, the suspension shall be a class B 4235  
suspension imposed for the period of time specified in division 4236  
(B) (2) of section 4510.02 of the Revised Code. 4237

(d) If, within ~~six~~ten years of the date the test was 4238  
conducted, the person has been convicted of or pleaded guilty to 4239  
more than two violations of a statute or ordinance described in 4240  
division (C) (1) (b) of this section, the suspension shall be a 4241  
class A suspension imposed for the period of time specified in 4242  
division (B) (1) of section 4510.02 of the Revised Code. 4243

(2) The registrar shall terminate a suspension of the 4244  
driver's or commercial driver's license or permit of a resident 4245  
or of the operating privilege of a nonresident, or a denial of a 4246  
driver's or commercial driver's license or permit, imposed 4247  
pursuant to division (C) (1) of this section upon receipt of 4248  
notice that the person has entered a plea of guilty to, or that 4249  
the person has been convicted after entering a plea of no 4250  
contest to, operating a vehicle in violation of section 4511.19 4251  
of the Revised Code or in violation of a municipal OVI 4252  
ordinance, if the offense for which the conviction is had or the 4253  
plea is entered arose from the same incident that led to the 4254  
suspension or denial. 4255

The registrar shall credit against any judicial suspension 4256  
of a person's driver's or commercial driver's license or permit 4257  
or nonresident operating privilege imposed pursuant to section 4258  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4259  
the Revised Code for a violation of a municipal OVI ordinance, 4260  
any time during which the person serves a related suspension 4261  
imposed pursuant to division (C) (1) of this section. 4262

(D) (1) A suspension of a person's driver's or commercial 4263

driver's license or permit or nonresident operating privilege 4264  
under this section for the time described in division (B) or (C) 4265  
of this section is effective immediately from the time at which 4266  
the arresting officer serves the notice of suspension upon the 4267  
arrested person. Any subsequent finding that the person is not 4268  
guilty of the charge that resulted in the person being requested 4269  
to take the chemical test or tests under division (A) of this 4270  
section does not affect the suspension. 4271

(2) If a person is arrested for operating a vehicle, 4272  
streetcar, or trackless trolley in violation of division (A) or 4273  
(B) of section 4511.19 of the Revised Code or a municipal OVI 4274  
ordinance, or for being in physical control of a vehicle, 4275  
streetcar, or trackless trolley in violation of section 4511.194 4276  
of the Revised Code or a substantially equivalent municipal 4277  
ordinance, regardless of whether the person's driver's or 4278  
commercial driver's license or permit or nonresident operating 4279  
privilege is or is not suspended under division (B) or (C) of 4280  
this section or Chapter 4510. of the Revised Code, the person's 4281  
initial appearance on the charge resulting from the arrest shall 4282  
be held within five days of the person's arrest or the issuance 4283  
of the citation to the person, subject to any continuance 4284  
granted by the court pursuant to section 4511.197 of the Revised 4285  
Code regarding the issues specified in that division. 4286

(E) When it finally has been determined under the 4287  
procedures of this section and sections 4511.192 to 4511.197 of 4288  
the Revised Code that a nonresident's privilege to operate a 4289  
vehicle within this state has been suspended, the registrar 4290  
shall give information in writing of the action taken to the 4291  
motor vehicle administrator of the state of the person's 4292  
residence and of any state in which the person has a license. 4293



(F) At the end of a suspension period under this section, 4294  
under section 4511.194, section 4511.196, or division (G) of 4295  
section 4511.19 of the Revised Code, or under section 4510.07 of 4296  
the Revised Code for a violation of a municipal OVI ordinance 4297  
and upon the request of the person whose driver's or commercial 4298  
driver's license or permit was suspended and who is not 4299  
otherwise subject to suspension, cancellation, or 4300  
disqualification, the registrar shall return the driver's or 4301  
commercial driver's license or permit to the person upon the 4302  
occurrence of all of the conditions specified in divisions (F) 4303  
(1) and (2) of this section: 4304

(1) A showing that the person has proof of financial 4305  
responsibility, a policy of liability insurance in effect that 4306  
meets the minimum standards set forth in section 4509.51 of the 4307  
Revised Code, or proof, to the satisfaction of the registrar, 4308  
that the person is able to respond in damages in an amount at 4309  
least equal to the minimum amounts specified in section 4509.51 4310  
of the Revised Code. 4311

(2) Subject to the limitation contained in division (F) (3) 4312  
of this section, payment by the person to the registrar or an 4313  
eligible deputy registrar of a license reinstatement fee of four 4314  
hundred seventy-five dollars, which fee shall be deposited in 4315  
the state treasury and credited as follows: 4316

(a) One hundred twelve dollars and fifty cents shall be 4317  
credited to the statewide treatment and prevention fund created 4318  
by section 4301.30 of the Revised Code. Money credited to the 4319  
fund under this section shall be used for purposes identified 4320  
under section 5119.22 of the Revised Code. 4321

(b) Seventy-five dollars shall be credited to the 4322  
reparations fund created by section 2743.191 of the Revised 4323

Code. 4324

(c) Thirty-seven dollars and fifty cents shall be credited 4325  
to the indigent drivers alcohol treatment fund, which is hereby 4326  
established in the state treasury. The department of mental 4327  
health and addiction services shall distribute the moneys in 4328  
that fund to the county indigent drivers alcohol treatment 4329  
funds, the county juvenile indigent drivers alcohol treatment 4330  
funds, and the municipal indigent drivers alcohol treatment 4331  
funds that are required to be established by counties and 4332  
municipal corporations pursuant to division (H) of this section 4333  
to be used only as provided in division (H)(3) of this section. 4334  
Moneys in the fund that are not distributed to a county indigent 4335  
drivers alcohol treatment fund, a county juvenile indigent 4336  
drivers alcohol treatment fund, or a municipal indigent drivers 4337  
alcohol treatment fund under division (H) of this section 4338  
because the director of mental health and addiction services 4339  
does not have the information necessary to identify the county 4340  
or municipal corporation where the offender or juvenile offender 4341  
was arrested may be transferred by the director of budget and 4342  
management to the statewide treatment and prevention fund 4343  
created by section 4301.30 of the Revised Code, upon 4344  
certification of the amount by the director of mental health and 4345  
addiction services. 4346

(d) Seventy-five dollars shall be credited to the 4347  
opportunities for Ohioans with disabilities agency established 4348  
by section 3304.15 of the Revised Code, to the services for 4349  
rehabilitation fund, which is hereby established. The fund shall 4350  
be used to match available federal matching funds where 4351  
appropriate, and for any other purpose or program of the agency 4352  
to rehabilitate persons with disabilities to help them become 4353  
employed and independent. 4354

(e) Seventy-five dollars shall be deposited into the state treasury and credited to the drug abuse resistance education programs fund, which is hereby established, to be used by the attorney general for the purposes specified in division (F) (4) of this section.

(f) Thirty dollars shall be credited to the state bureau of motor vehicles fund created by section 4501.25 of the Revised Code.

(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code.

(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device.

(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code,

under section 4510.07 of the Revised Code for a violation of a 4385  
municipal OVI ordinance or under any combination of the 4386  
suspensions described in division (F) (3) of this section, and if 4387  
the suspensions arise from a single incident or a single set of 4388  
facts and circumstances, the person is liable for payment of, 4389  
and shall be required to pay to the registrar or an eligible 4390  
deputy registrar, only one reinstatement fee of four hundred 4391  
seventy-five dollars. The reinstatement fee shall be distributed 4392  
by the bureau in accordance with division (F) (2) of this 4393  
section. 4394

(4) The attorney general shall use amounts in the drug 4395  
abuse resistance education programs fund to award grants to law 4396  
enforcement agencies to establish and implement drug abuse 4397  
resistance education programs in public schools. Grants awarded 4398  
to a law enforcement agency under this section shall be used by 4399  
the agency to pay for not more than fifty per cent of the amount 4400  
of the salaries of law enforcement officers who conduct drug 4401  
abuse resistance education programs in public schools. The 4402  
attorney general shall not use more than six per cent of the 4403  
amounts the attorney general's office receives under division 4404  
(F) (2) (e) of this section to pay the costs it incurs in 4405  
administering the grant program established by division (F) (2) 4406  
(e) of this section and in providing training and materials 4407  
relating to drug abuse resistance education programs. 4408

The attorney general shall report to the governor and the 4409  
general assembly each fiscal year on the progress made in 4410  
establishing and implementing drug abuse resistance education 4411  
programs. These reports shall include an evaluation of the 4412  
effectiveness of these programs. 4413

(5) In addition to the reinstatement fee under this 4414

section, if the person pays the reinstatement fee to a deputy 4415  
registrar, the deputy registrar shall collect a service fee of 4416  
ten dollars to compensate the deputy registrar for services 4417  
performed under this section. The deputy registrar shall retain 4418  
eight dollars of the service fee and shall transmit the 4419  
reinstatement fee, plus two dollars of the service fee, to the 4420  
registrar in the manner the registrar shall determine. 4421

(G) Suspension of a commercial driver's license under 4422  
division (B) or (C) of this section shall be concurrent with any 4423  
period of disqualification under section 3123.611 or 4506.16 of 4424  
the Revised Code or any period of suspension under section 4425  
3123.58 of the Revised Code. No person who is disqualified for 4426  
life from holding a commercial driver's license under section 4427  
4506.16 of the Revised Code shall be issued a driver's license 4428  
under Chapter 4507. of the Revised Code during the period for 4429  
which the commercial driver's license was suspended under 4430  
division (B) or (C) of this section. No person whose commercial 4431  
driver's license is suspended under division (B) or (C) of this 4432  
section shall be issued a driver's license under Chapter 4507. 4433  
of the Revised Code during the period of the suspension. 4434

(H) (1) Each county shall establish an indigent drivers 4435  
alcohol treatment fund and a juvenile indigent drivers alcohol 4436  
treatment fund. Each municipal corporation in which there is a 4437  
municipal court shall establish an indigent drivers alcohol 4438  
treatment fund. All revenue that the general assembly 4439  
appropriates to the indigent drivers alcohol treatment fund for 4440  
transfer to a county indigent drivers alcohol treatment fund, a 4441  
county juvenile indigent drivers alcohol treatment fund, or a 4442  
municipal indigent drivers alcohol treatment fund, all portions 4443  
of fees that are paid under division (F) of this section and 4444  
that are credited under that division to the indigent drivers 4445

alcohol treatment fund in the state treasury for a county 4446  
indigent drivers alcohol treatment fund, a county juvenile 4447  
indigent drivers alcohol treatment fund, or a municipal indigent 4448  
drivers alcohol treatment fund, all portions of additional costs 4449  
imposed under section 2949.094 of the Revised Code that are 4450  
specified for deposit into a county, county juvenile, or 4451  
municipal indigent drivers alcohol treatment fund by that 4452  
section, and all portions of fines that are specified for 4453  
deposit into a county or municipal indigent drivers alcohol 4454  
treatment fund by section 4511.193 of the Revised Code shall be 4455  
deposited into that county indigent drivers alcohol treatment 4456  
fund, county juvenile indigent drivers alcohol treatment fund, 4457  
or municipal indigent drivers alcohol treatment fund. The 4458  
portions of the fees paid under division (F) of this section 4459  
that are to be so deposited shall be determined in accordance 4460  
with division (H) (2) of this section. Additionally, all portions 4461  
of fines that are paid for a violation of section 4511.19 of the 4462  
Revised Code or of any prohibition contained in Chapter 4510. of 4463  
the Revised Code, and that are required under section 4511.19 or 4464  
any provision of Chapter 4510. of the Revised Code to be 4465  
deposited into a county indigent drivers alcohol treatment fund 4466  
or municipal indigent drivers alcohol treatment fund shall be 4467  
deposited into the appropriate fund in accordance with the 4468  
applicable division of the section or provision. 4469

(2) That portion of the license reinstatement fee that is 4470  
paid under division (F) of this section and that is credited 4471  
under that division to the indigent drivers alcohol treatment 4472  
fund shall be deposited into a county indigent drivers alcohol 4473  
treatment fund, a county juvenile indigent drivers alcohol 4474  
treatment fund, or a municipal indigent drivers alcohol 4475  
treatment fund as follows: 4476

(a) Regarding a suspension imposed under this section, 4477  
that portion of the fee shall be deposited as follows: 4478

(i) If the fee is paid by a person who was charged in a 4479  
county court with the violation that resulted in the suspension 4480  
or in the imposition of the court costs, the portion shall be 4481  
deposited into the county indigent drivers alcohol treatment 4482  
fund under the control of that court; 4483

(ii) If the fee is paid by a person who was charged in a 4484  
juvenile court with the violation that resulted in the 4485  
suspension or in the imposition of the court costs, the portion 4486  
shall be deposited into the county juvenile indigent drivers 4487  
alcohol treatment fund established in the county served by the 4488  
court; 4489

(iii) If the fee is paid by a person who was charged in a 4490  
municipal court with the violation that resulted in the 4491  
suspension or in the imposition of the court costs, the portion 4492  
shall be deposited into the municipal indigent drivers alcohol 4493  
treatment fund under the control of that court. 4494

(b) Regarding a suspension imposed under section 4511.19 4495  
of the Revised Code or under section 4510.07 of the Revised Code 4496  
for a violation of a municipal OVI ordinance, that portion of 4497  
the fee shall be deposited as follows: 4498

(i) If the fee is paid by a person whose license or permit 4499  
was suspended by a county court, the portion shall be deposited 4500  
into the county indigent drivers alcohol treatment fund under 4501  
the control of that court; 4502

(ii) If the fee is paid by a person whose license or 4503  
permit was suspended by a municipal court, the portion shall be 4504  
deposited into the municipal indigent drivers alcohol treatment 4505

fund under the control of that court. 4506

(3) (a) As used in division (H) (3) of this section, 4507  
"indigent person" means a person who is convicted of a violation 4508  
of division (A) or (B) of section 4511.19 of the Revised Code or 4509  
a substantially similar municipal ordinance or found to be a 4510  
juvenile traffic offender by reason of a violation of division 4511  
(A) or (B) of section 4511.19 of the Revised Code or a 4512  
substantially similar municipal ordinance, who is ordered by the 4513  
court to attend an alcohol and drug addiction treatment program, 4514  
and who is determined by the court under division (H) (5) of this 4515  
section to be unable to pay the cost of the assessment or the 4516  
cost of attendance at the treatment program. 4517

(b) A county, juvenile, or municipal court judge, by 4518  
order, may make expenditures from a county indigent drivers 4519  
alcohol treatment fund, a county juvenile indigent drivers 4520  
alcohol treatment fund, or a municipal indigent drivers alcohol 4521  
treatment fund with respect to an indigent person for any of the 4522  
following: 4523

(i) To pay the cost of an assessment that is conducted by 4524  
an appropriately licensed clinician at either a driver 4525  
intervention program that is certified under section 5119.38 of 4526  
the Revised Code or at a community addiction services provider 4527  
that is certified under section 5119.36 of the Revised Code; 4528

(ii) To pay the cost of alcohol addiction services, drug 4529  
addiction services, or integrated alcohol and drug addiction 4530  
services at a community addiction services provider that is 4531  
certified under section 5119.36 of the Revised Code; 4532

(iii) To pay the cost of transportation to attend an 4533  
assessment as provided under division (H) (3) (b) (i) of this 4534



section or addiction services as provided under division (H) (3) 4535  
(b) (ii) of this section. 4536

The alcohol and drug addiction services board or the board 4537  
of alcohol, drug addiction, and mental health services 4538  
established pursuant to section 340.02 or 340.021 of the Revised 4539  
Code and serving the alcohol, drug addiction, and mental health 4540  
service district in which the court is located shall administer 4541  
the indigent drivers alcohol treatment program of the court. 4542  
When a court orders an offender or juvenile traffic offender to 4543  
obtain an assessment or attend an alcohol and drug addiction 4544  
treatment program, the board shall determine which program is 4545  
suitable to meet the needs of the offender or juvenile traffic 4546  
offender, and when a suitable program is located and space is 4547  
available at the program, the offender or juvenile traffic 4548  
offender shall attend the program designated by the board. A 4549  
reasonable amount not to exceed five per cent of the amounts 4550  
credited to and deposited into the county indigent drivers 4551  
alcohol treatment fund, the county juvenile indigent drivers 4552  
alcohol treatment fund, or the municipal indigent drivers 4553  
alcohol treatment fund serving every court whose program is 4554  
administered by that board shall be paid to the board to cover 4555  
the costs it incurs in administering those indigent drivers 4556  
alcohol treatment programs. 4557

(c) Upon exhaustion of moneys in the indigent drivers 4558  
interlock and alcohol monitoring fund for the use of an alcohol 4559  
monitoring device, a county, juvenile, or municipal court judge 4560  
may use moneys in the county indigent drivers alcohol treatment 4561  
fund, county juvenile indigent drivers alcohol treatment fund, 4562  
or municipal indigent drivers alcohol treatment fund in either 4563  
of the following manners: 4564

(i) If the source of the moneys was an appropriation of 4565  
the general assembly, a portion of a fee that was paid under 4566  
division (F) of this section, a portion of a fine that was 4567  
specified for deposit into the fund by section 4511.193 of the 4568  
Revised Code, or a portion of a fine that was paid for a 4569  
violation of section 4511.19 of the Revised Code or of a 4570  
provision contained in Chapter 4510. of the Revised Code that 4571  
was required to be deposited into the fund, to pay for the 4572  
continued use of an alcohol monitoring device by an offender or 4573  
juvenile traffic offender, in conjunction with a treatment 4574  
program approved by the department of mental health and 4575  
addiction services, when such use is determined clinically 4576  
necessary by the treatment program and when the court determines 4577  
that the offender or juvenile traffic offender is unable to pay 4578  
all or part of the daily monitoring or cost of the device; 4579

(ii) If the source of the moneys was a portion of an 4580  
additional court cost imposed under section 2949.094 of the 4581  
Revised Code, to pay for the continued use of an alcohol 4582  
monitoring device by an offender or juvenile traffic offender 4583  
when the court determines that the offender or juvenile traffic 4584  
offender is unable to pay all or part of the daily monitoring or 4585  
cost of the device. The moneys may be used for a device as 4586  
described in this division if the use of the device is in 4587  
conjunction with a treatment program approved by the department 4588  
of mental health and addiction services, when the use of the 4589  
device is determined clinically necessary by the treatment 4590  
program, but the use of a device is not required to be in 4591  
conjunction with a treatment program approved by the department 4592  
in order for the moneys to be used for the device as described 4593  
in this division. 4594

(4) If a county, juvenile, or municipal court determines, 4595

in consultation with the alcohol and drug addiction services 4596  
board or the board of alcohol, drug addiction, and mental health 4597  
services established pursuant to section 340.02 or 340.021 of 4598  
the Revised Code and serving the alcohol, drug addiction, and 4599  
mental health district in which the court is located, that the 4600  
funds in the county indigent drivers alcohol treatment fund, the 4601  
county juvenile indigent drivers alcohol treatment fund, or the 4602  
municipal indigent drivers alcohol treatment fund under the 4603  
control of the court are more than sufficient to satisfy the 4604  
purpose for which the fund was established, as specified in 4605  
divisions (H) (1) to (3) of this section, the court may declare a 4606  
surplus in the fund. If the court declares a surplus in the 4607  
fund, the court may take any of the following actions with 4608  
regard to the amount of the surplus in the fund: 4609

(a) Expend any of the surplus amount for alcohol and drug 4610  
abuse assessment and treatment, and for the cost of 4611  
transportation related to assessment and treatment, of persons 4612  
who are charged in the court with committing a criminal offense 4613  
or with being a delinquent child or juvenile traffic offender 4614  
and in relation to whom both of the following apply: 4615

(i) The court determines that substance abuse was a 4616  
contributing factor leading to the criminal or delinquent 4617  
activity or the juvenile traffic offense with which the person 4618  
is charged. 4619

(ii) The court determines that the person is unable to pay 4620  
the cost of the alcohol and drug abuse assessment and treatment 4621  
for which the surplus money will be used. 4622

(b) Expend any of the surplus amount to pay all or part of 4623  
the cost of purchasing alcohol monitoring devices to be used in 4624  
conjunction with division (H) (3) (c) of this section, upon 4625

exhaustion of moneys in the indigent drivers interlock and 4626  
alcohol monitoring fund for the use of an alcohol monitoring 4627  
device. 4628

(c) Transfer to another court in the same county any of 4629  
the surplus amount to be utilized in a manner consistent with 4630  
division (H) (3) of this section. If surplus funds are 4631  
transferred to another court, the court that transfers the funds 4632  
shall notify the alcohol and drug addiction services board or 4633  
the board of alcohol, drug addiction, and mental health services 4634  
that serves the alcohol, drug addiction, and mental health 4635  
service district in which that court is located. 4636

(d) Transfer to the alcohol and drug addiction services 4637  
board or the board of alcohol, drug addiction, and mental health 4638  
services that serves the alcohol, drug addiction, and mental 4639  
health service district in which the court is located any of the 4640  
surplus amount to be utilized in a manner consistent with 4641  
division (H) (3) of this section or for board contracted recovery 4642  
support services. 4643

(5) In order to determine if an offender does not have the 4644  
means to pay for the offender's attendance at an alcohol and 4645  
drug addiction treatment program for purposes of division (H) (3) 4646  
of this section or if an alleged offender or delinquent child is 4647  
unable to pay the costs specified in division (H) (4) of this 4648  
section, the court shall use the indigent client eligibility 4649  
guidelines and the standards of indigency established by the 4650  
state public defender to make the determination. 4651

(6) The court shall identify and refer any community 4652  
addiction services provider that intends to provide addiction 4653  
services and has not had its addiction services certified under 4654  
section 5119.36 of the Revised Code and that is interested in 4655

receiving amounts from the surplus in the fund declared under 4656  
division (H) (4) of this section to the department of mental 4657  
health and addiction services in order for the community 4658  
addiction services provider to have its addiction services 4659  
certified by the department. The department shall keep a record 4660  
of applicant referrals received pursuant to this division and 4661  
shall submit a report on the referrals each year to the general 4662  
assembly. If a community addiction services provider interested 4663  
in having its addiction services certified makes an application 4664  
pursuant to section 5119.36 of the Revised Code, the community 4665  
addiction services provider is eligible to receive surplus funds 4666  
as long as the application is pending with the department. The 4667  
department of mental health and addiction services must offer 4668  
technical assistance to the applicant. If the interested 4669  
community addiction services provider withdraws the 4670  
certification application, the department must notify the court, 4671  
and the court shall not provide the interested community 4672  
addiction services provider with any further surplus funds. 4673

(7) (a) Each alcohol and drug addiction services board and 4674  
board of alcohol, drug addiction, and mental health services 4675  
established pursuant to section 340.02 or 340.021 of the Revised 4676  
Code shall submit to the department of mental health and 4677  
addiction services an annual report for each indigent drivers 4678  
alcohol treatment fund in that board's area. 4679

(b) The report, which shall be submitted not later than 4680  
sixty days after the end of the state fiscal year, shall provide 4681  
the total payment that was made from the fund, including the 4682  
number of indigent consumers that received treatment services 4683  
and the number of indigent consumers that received an alcohol 4684  
monitoring device. The report shall identify the treatment 4685  
program and expenditure for an alcohol monitoring device for 4686

which that payment was made. The report shall include the fiscal 4687  
year balance of each indigent drivers alcohol treatment fund 4688  
located in that board's area. In the event that a surplus is 4689  
declared in the fund pursuant to division (H) (4) of this 4690  
section, the report also shall provide the total payment that 4691  
was made from the surplus moneys and identify the authorized 4692  
purpose for which that payment was made. 4693

(c) If a board is unable to obtain adequate information to 4694  
develop the report to submit to the department for a particular 4695  
indigent drivers alcohol treatment fund, the board shall submit 4696  
a report detailing the effort made in obtaining the information. 4697

(I) (1) Each county shall establish an indigent drivers 4698  
interlock and alcohol monitoring fund and a juvenile indigent 4699  
drivers interlock and alcohol treatment fund. Each municipal 4700  
corporation in which there is a municipal court shall establish 4701  
an indigent drivers interlock and alcohol monitoring fund. All 4702  
revenue that the general assembly appropriates to the indigent 4703  
drivers interlock and alcohol monitoring fund for transfer to a 4704  
county indigent drivers interlock and alcohol monitoring fund, a 4705  
county juvenile indigent drivers interlock and alcohol 4706  
monitoring fund, or a municipal indigent drivers interlock and 4707  
alcohol monitoring fund, all portions of license reinstatement 4708  
fees that are paid under division (F) (2) of this section and 4709  
that are credited under that division to the indigent drivers 4710  
interlock and alcohol monitoring fund in the state treasury, and 4711  
all portions of fines that are paid under division (G) of 4712  
section 4511.19 of the Revised Code and that are credited by 4713  
division (G) (5) (e) of that section to the indigent drivers 4714  
interlock and alcohol monitoring fund in the state treasury 4715  
shall be deposited in the appropriate fund in accordance with 4716  
division (I) (2) of this section. 4717

(2) That portion of the license reinstatement fee that is 4718  
paid under division (F) of this section and that portion of the 4719  
fine paid under division (G) of section 4511.19 of the Revised 4720  
Code and that is credited under either division to the indigent 4721  
drivers interlock and alcohol monitoring fund shall be deposited 4722  
into a county indigent drivers interlock and alcohol monitoring 4723  
fund, a county juvenile indigent drivers interlock and alcohol 4724  
monitoring fund, or a municipal indigent drivers interlock and 4725  
alcohol monitoring fund as follows: 4726

(a) If the fee or fine is paid by a person who was charged 4727  
in a county court with the violation that resulted in the 4728  
suspension or fine, the portion shall be deposited into the 4729  
county indigent drivers interlock and alcohol monitoring fund 4730  
under the control of that court. 4731

(b) If the fee or fine is paid by a person who was charged 4732  
in a juvenile court with the violation that resulted in the 4733  
suspension or fine, the portion shall be deposited into the 4734  
county juvenile indigent drivers interlock and alcohol 4735  
monitoring fund established in the county served by the court. 4736

(c) If the fee or fine is paid by a person who was charged 4737  
in a municipal court with the violation that resulted in the 4738  
suspension, the portion shall be deposited into the municipal 4739  
indigent drivers interlock and alcohol monitoring fund under the 4740  
control of that court. 4741

(3) If a county, juvenile, or municipal court determines 4742  
that the funds in the county indigent drivers interlock and 4743  
alcohol monitoring fund, the county juvenile indigent drivers 4744  
interlock and alcohol monitoring fund, or the municipal indigent 4745  
drivers interlock and alcohol monitoring fund under the control 4746  
of that court are more than sufficient to satisfy the purpose 4747

for which the fund was established as specified in division (F) 4748  
(2) (h) of this section, the court may declare a surplus in the 4749  
fund. The court then may order the transfer of a specified 4750  
amount into the county indigent drivers alcohol treatment fund, 4751  
the county juvenile indigent drivers alcohol treatment fund, or 4752  
the municipal indigent drivers alcohol treatment fund under the 4753  
control of that court to be utilized in accordance with division 4754  
(H) of this section. 4755

**Sec. 4511.193.** (A) Twenty-five dollars of any fine imposed 4756  
for a violation of a municipal OVI ordinance shall be deposited 4757  
into the municipal or county indigent drivers alcohol treatment 4758  
fund created pursuant to division (H) of section 4511.191 of the 4759  
Revised Code in accordance with this section and section 733.40, 4760  
divisions (A), (B), and (C) of section 1901.024, division (F) of 4761  
section 1901.31, or division (C) of section 1907.20 of the 4762  
Revised Code. Regardless of whether the fine is imposed by a 4763  
municipal court, a mayor's court, or a juvenile court, if the 4764  
fine was imposed for a violation of an ordinance of a municipal 4765  
corporation that is within the jurisdiction of a county-operated 4766  
municipal court or a municipal court that is not a county- 4767  
operated municipal court, the twenty-five dollars that is 4768  
subject to this section shall be deposited into the indigent 4769  
drivers alcohol treatment fund of the county in which that 4770  
municipal corporation is located if the municipal court that has 4771  
jurisdiction over that municipal corporation is a county- 4772  
operated municipal court or of the municipal corporation in 4773  
which is located the municipal court that has jurisdiction over 4774  
that municipal corporation if that municipal court is not a 4775  
county-operated municipal court. Regardless of whether the fine 4776  
is imposed by a county court, a mayor's court, or a juvenile 4777  
court, if the fine was imposed for a violation of an ordinance 4778



of a municipal corporation that is within the jurisdiction of a 4779  
county court, the twenty-five dollars that is subject to this 4780  
section shall be deposited into the indigent drivers alcohol 4781  
treatment fund of the county in which is located the county 4782  
court that has jurisdiction over that municipal corporation. The 4783  
deposit shall be made in accordance with section 733.40, 4784  
divisions (A), (B), and (C) of section 1901.024, division (F) of 4785  
section 1901.31, or division (C) of section 1907.20 of the 4786  
Revised Code. 4787

(B) Any court cost imposed as a result of a violation of a 4788  
municipal ordinance that is a moving violation and designated 4789  
for an indigent drivers alcohol treatment fund established 4790  
pursuant to division (H) of section 4511.191 of the Revised Code 4791  
shall be deposited into the municipal or county indigent drivers 4792  
alcohol treatment fund created pursuant to division (H) of 4793  
section 4511.191 of the Revised Code in accordance with this 4794  
section and section 733.40, divisions (A), (B), and (C) of 4795  
section 1901.024, division (F) of section 1901.31, or division 4796  
(C) of section 1907.20 of the Revised Code. Regardless of 4797  
whether the court cost is imposed by a municipal court, a 4798  
mayor's court, or a juvenile court, if the court cost was 4799  
imposed for a violation of an ordinance of a municipal 4800  
corporation that is within the jurisdiction of a county-operated 4801  
municipal court or a municipal court that is not a county- 4802  
operated municipal court, the court cost that is subject to this 4803  
section shall be deposited into the indigent drivers alcohol 4804  
treatment fund of the county in which that municipal corporation 4805  
is located if the municipal court that has jurisdiction over 4806  
that municipal corporation is a county-operated municipal court 4807  
or of the municipal corporation in which is located the 4808  
municipal court that has jurisdiction over that municipal 4809

corporation if that municipal court is not a county-operated 4810  
municipal court. Regardless of whether the court cost is imposed 4811  
by a county court, a mayor's court, or a juvenile court, if the 4812  
court cost was imposed for a violation of an ordinance of a 4813  
municipal corporation that is within the jurisdiction of a 4814  
county court, the court cost that is subject to this section 4815  
shall be deposited into the indigent drivers alcohol treatment 4816  
fund of the county in which is located the county court that has 4817  
jurisdiction over that municipal corporation. The deposit shall 4818  
be made in accordance with section 733.40, divisions (A), (B), 4819  
and (C) of section 1901.024, division (F) of section 1901.31, or 4820  
division (C) of section 1907.20 of the Revised Code. 4821

(C) (1) The requirements and sanctions imposed by divisions 4822  
(C) (1) and (2) of this section are an adjunct to and derive from 4823  
the state's exclusive authority over the registration and 4824  
titling of motor vehicles and do not comprise a part of the 4825  
criminal sentence to be imposed upon a person who violates a 4826  
municipal OVI ordinance. 4827

(2) If a person is convicted of or pleads guilty to a 4828  
violation of a municipal OVI ordinance, if the vehicle the 4829  
offender was operating at the time of the offense is registered 4830  
in the offender's name, and if, within ~~six~~-ten years of the 4831  
current offense, the offender has been convicted of or pleaded 4832  
guilty to one or more violations of division (A) or (B) of 4833  
section 4511.19 of the Revised Code or one or more other 4834  
equivalent offenses, the court, in addition to and independent 4835  
of any sentence that it imposes upon the offender for the 4836  
offense, shall do whichever of the following is applicable: 4837

(a) Except as otherwise provided in division (C) (2) (b) of 4838  
this section, if, within ~~six~~-ten years of the current offense, 4839

the offender has been convicted of or pleaded guilty to one 4840  
violation described in division (C) (2) of this section, the 4841  
court shall order the immobilization for ninety days of that 4842  
vehicle and the impoundment for ninety days of the license 4843  
plates of that vehicle. The order for the immobilization and 4844  
impoundment shall be issued and enforced in accordance with 4845  
section 4503.233 of the Revised Code. 4846

(b) If, within ~~six~~ten years of the current offense, the 4847  
offender has been convicted of or pleaded guilty to two or more 4848  
violations described in division (C) (2) of this section, or if 4849  
the offender previously has been convicted of or pleaded guilty 4850  
to a violation of division (A) of section 4511.19 of the Revised 4851  
Code under circumstances in which the violation was a felony and 4852  
regardless of when the violation and the conviction or guilty 4853  
plea occurred, the court shall order the criminal forfeiture to 4854  
the state of that vehicle. The order of criminal forfeiture 4855  
shall be issued and enforced in accordance with section 4503.234 4856  
of the Revised Code. 4857

(D) As used in this section, "county-operated municipal 4858  
court" has the same meaning as in section 1901.03 of the Revised 4859  
Code. 4860

**Sec. 4511.195.** (A) As used in this section: 4861

(1) "Arrested person" means a person who is arrested for a 4862  
violation of division (A) of section 4511.19 of the Revised Code 4863  
or a municipal OVI ordinance and whose arrest results in a 4864  
vehicle being seized under division (B) of this section. 4865

(2) "Vehicle owner" means either of the following: 4866

(a) The person in whose name is registered, at the time of 4867  
the seizure, a vehicle that is seized under division (B) of this 4868

section; 4869

(b) A person to whom the certificate of title to a vehicle 4870  
that is seized under division (B) of this section has been 4871  
assigned and who has not obtained a certificate of title to the 4872  
vehicle in that person's name, but who is deemed by the court as 4873  
being the owner of the vehicle at the time the vehicle was 4874  
seized under division (B) of this section. 4875

(3) "Interested party" includes the owner of a vehicle 4876  
seized under this section, all lienholders, the arrested person, 4877  
the owner of the place of storage at which a vehicle seized 4878  
under this section is stored, and the person or entity that 4879  
caused the vehicle to be removed. 4880

(B) (1) The arresting officer or another officer of the law 4881  
enforcement agency that employs the arresting officer, in 4882  
addition to any action that the arresting officer is required or 4883  
authorized to take by section 4511.19 or 4511.191 of the Revised 4884  
Code or by any other provision of law, shall seize the vehicle 4885  
that a person was operating at the time of the alleged offense 4886  
and its license plates if the vehicle is registered in the 4887  
arrested person's name and if either of the following applies: 4888

(a) The person is arrested for a violation of division (A) 4889  
of section 4511.19 of the Revised Code or of a municipal OVI 4890  
ordinance and, within ~~six~~ten years of the alleged violation, 4891  
the person previously has been convicted of or pleaded guilty to 4892  
one or more violations of division (A) or (B) of section 4511.19 4893  
of the Revised Code or one or more other equivalent offenses. 4894

(b) The person is arrested for a violation of division (A) 4895  
of section 4511.19 of the Revised Code or of a municipal OVI 4896  
ordinance and the person previously has been convicted of or 4897

pleaded guilty to a violation of division (A) of section 4511.19 4898  
of the Revised Code under circumstances in which the violation 4899  
was a felony, regardless of when the prior felony violation of 4900  
division (A) of section 4511.19 of the Revised Code and the 4901  
conviction or guilty plea occurred. 4902

(2) A law enforcement agency that employs a law 4903  
enforcement officer who makes an arrest of a type that is 4904  
described in division (B)(1) of this section and that involves a 4905  
rented or leased vehicle that is being rented or leased for a 4906  
period of thirty days or less shall notify, within twenty-four 4907  
hours after the officer makes the arrest, the lessor or owner of 4908  
the vehicle regarding the circumstances of the arrest and the 4909  
location at which the vehicle may be picked up. At the time of 4910  
the seizure of the vehicle, the law enforcement officer who made 4911  
the arrest shall give the arrested person written notice that 4912  
the vehicle and its license plates have been seized; that the 4913  
vehicle either will be kept by the officer's law enforcement 4914  
agency or will be immobilized at least until the operator's 4915  
initial appearance on the charge of the offense for which the 4916  
arrest was made; that, at the initial appearance, the court in 4917  
certain circumstances may order that the vehicle and license 4918  
plates be released to the arrested person until the disposition 4919  
of that charge; and that, if the arrested person is convicted of 4920  
that charge, the court generally must order the immobilization 4921  
of the vehicle and the impoundment of its license plates, or the 4922  
forfeiture of the vehicle. 4923

(3) The arresting officer or a law enforcement officer of 4924  
the agency that employs the arresting officer shall give written 4925  
notice of the seizure to the court that will conduct the initial 4926  
appearance of the arrested person on the charges arising out of 4927  
the arrest. Upon receipt of the notice, the court promptly shall 4928

determine whether the arrested person is the vehicle owner. If 4929  
the court determines that the arrested person is not the vehicle 4930  
owner, it promptly shall send by regular mail written notice of 4931  
the seizure to the vehicle's registered owner. The written 4932  
notice shall contain all of the information required by division 4933  
(B) (2) of this section to be in a notice to be given to the 4934  
arrested person and also shall specify the date, time, and place 4935  
of the arrested person's initial appearance. The notice also 4936  
shall inform the vehicle owner that if title to a motor vehicle 4937  
that is subject to an order for criminal forfeiture under this 4938  
section is assigned or transferred and division (B) (2) or (3) of 4939  
section 4503.234 of the Revised Code applies, the court may fine 4940  
the arrested person the value of the vehicle. The notice also 4941  
shall state that if the vehicle is immobilized under division 4942  
(A) of section 4503.233 of the Revised Code, seven days after 4943  
the end of the period of immobilization a law enforcement agency 4944  
will send the vehicle owner a notice, informing the owner that 4945  
if the release of the vehicle is not obtained in accordance with 4946  
division (D) (3) of section 4503.233 of the Revised Code, the 4947  
vehicle shall be forfeited. The notice also shall inform the 4948  
vehicle owner that the vehicle owner may be charged expenses or 4949  
charges incurred under this section and section 4503.233 of the 4950  
Revised Code for the removal and storage of the vehicle. 4951

The written notice that is given to the arrested person 4952  
also shall state that if the person is convicted of or pleads 4953  
guilty to the offense and the court issues an immobilization and 4954  
impoundment order relative to that vehicle, division (D) (4) of 4955  
section 4503.233 of the Revised Code prohibits the vehicle from 4956  
being sold during the period of immobilization without the prior 4957  
approval of the court. 4958

(4) At or before the initial appearance, the vehicle owner 4959

may file a motion requesting the court to order that the vehicle 4960  
and its license plates be released to the vehicle owner. Except 4961  
as provided in this division and subject to the payment of 4962  
expenses or charges incurred in the removal and storage of the 4963  
vehicle, the court, in its discretion, then may issue an order 4964  
releasing the vehicle and its license plates to the vehicle 4965  
owner. Such an order may be conditioned upon such terms as the 4966  
court determines appropriate, including the posting of a bond in 4967  
an amount determined by the court. If the arrested person is not 4968  
the vehicle owner and if the vehicle owner is not present at the 4969  
arrested person's initial appearance, and if the court believes 4970  
that the vehicle owner was not provided with adequate notice of 4971  
the initial appearance, the court, in its discretion, may allow 4972  
the vehicle owner to file a motion within seven days of the 4973  
initial appearance. If the court allows the vehicle owner to 4974  
file such a motion after the initial appearance, the extension 4975  
of time granted by the court does not extend the time within 4976  
which the initial appearance is to be conducted. If the court 4977  
issues an order for the release of the vehicle and its license 4978  
plates, a copy of the order shall be made available to the 4979  
vehicle owner. If the vehicle owner presents a copy of the order 4980  
to the law enforcement agency that employs the law enforcement 4981  
officer who arrested the arrested person, the law enforcement 4982  
agency promptly shall release the vehicle and its license plates 4983  
to the vehicle owner upon payment by the vehicle owner of any 4984  
expenses or charges incurred in the removal and storage of the 4985  
vehicle. 4986

(5) A vehicle seized under division (B)(1) of this section 4987  
either shall be towed to a place specified by the law 4988  
enforcement agency that employs the arresting officer to be 4989  
safely kept by the agency at that place for the time and in the 4990

manner specified in this section or shall be otherwise 4991  
immobilized for the time and in the manner specified in this 4992  
section. A law enforcement officer of that agency shall remove 4993  
the identification license plates of the vehicle, and they shall 4994  
be safely kept by the agency for the time and in the manner 4995  
specified in this section. No vehicle that is seized and either 4996  
towed or immobilized pursuant to this division shall be 4997  
considered contraband for purposes of Chapter 2981. of the 4998  
Revised Code. The vehicle shall not be immobilized at any place 4999  
other than a commercially operated private storage lot, a place 5000  
owned by a law enforcement agency or other government agency, or 5001  
a place to which one of the following applies: 5002

(a) The place is leased by or otherwise under the control 5003  
of a law enforcement agency or other government agency. 5004

(b) The place is owned by the vehicle operator, the 5005  
vehicle operator's spouse, or a parent or child of the vehicle 5006  
operator. 5007

(c) The place is owned by a private person or entity, and, 5008  
prior to the immobilization, the private entity or person that 5009  
owns the place, or the authorized agent of that private entity 5010  
or person, has given express written consent for the 5011  
immobilization to be carried out at that place. 5012

(d) The place is a street or highway on which the vehicle 5013  
is parked in accordance with the law. 5014

(C) (1) A vehicle seized under division (B) of this section 5015  
shall be safely kept at the place to which it is towed or 5016  
otherwise moved by the law enforcement agency that employs the 5017  
arresting officer until the initial appearance of the arrested 5018  
person relative to the charge in question. The license plates of 5019



the vehicle that are removed pursuant to division (B) of this 5020  
section shall be safely kept by the law enforcement agency that 5021  
employs the arresting officer until the initial appearance of 5022  
the arrested person relative to the charge in question. 5023

(2) (a) At the initial appearance or not less than seven 5024  
days prior to the date of final disposition, the court shall 5025  
notify the arrested person that, if title to a motor vehicle 5026  
that is subject to an order for criminal forfeiture under this 5027  
section is assigned or transferred and division (B) (2) or (3) of 5028  
section 4503.234 of the Revised Code applies, the court may fine 5029  
the arrested person the value of the vehicle. If, at the initial 5030  
appearance, the arrested person pleads guilty to the violation 5031  
of division (A) of section 4511.19 of the Revised Code or of the 5032  
municipal OVI ordinance or pleads no contest to and is convicted 5033  
of the violation, the court shall impose sentence upon the 5034  
person as provided by law or ordinance; the court shall order 5035  
the immobilization of the vehicle the arrested person was 5036  
operating at the time of the offense if registered in the 5037  
arrested person's name and the impoundment of its license plates 5038  
under section 4503.233 and section 4511.19 or 4511.193 of the 5039  
Revised Code or the criminal forfeiture to the state of the 5040  
vehicle if registered in the arrested person's name under 5041  
section 4503.234 and section 4511.19 or 4511.193 of the Revised 5042  
Code, whichever is applicable; and the vehicle and its license 5043  
plates shall not be returned or released to the arrested person. 5044

(b) If, at any time, the charge that the arrested person 5045  
violated division (A) of section 4511.19 of the Revised Code or 5046  
the municipal OVI ordinance is dismissed for any reason, the 5047  
court shall order that the vehicle seized at the time of the 5048  
arrest and its license plates immediately be released to the 5049  
person. 5050

(D) If a vehicle and its license plates are seized under 5051  
division (B) of this section and are not returned or released to 5052  
the arrested person pursuant to division (C) of this section, 5053  
the vehicle and its license plates shall be retained until the 5054  
final disposition of the charge in question. Upon the final 5055  
disposition of that charge, the court shall do whichever of the 5056  
following is applicable: 5057

(1) If the arrested person is convicted of or pleads 5058  
guilty to the violation of division (A) of section 4511.19 of 5059  
the Revised Code or of the municipal OVI ordinance, the court 5060  
shall impose sentence upon the person as provided by law or 5061  
ordinance and shall order the immobilization of the vehicle the 5062  
person was operating at the time of the offense if it is 5063  
registered in the arrested person's name and the impoundment of 5064  
its license plates under section 4503.233 and section 4511.19 or 5065  
4511.193 of the Revised Code, or the criminal forfeiture of the 5066  
vehicle if it is registered in the arrested person's name under 5067  
section 4503.234 and section 4511.19 or 4511.193 of the Revised 5068  
Code, whichever is applicable. 5069

(2) If the arrested person is found not guilty of the 5070  
violation of division (A) of section 4511.19 of the Revised Code 5071  
or of the municipal OVI ordinance, the court shall order that 5072  
the vehicle and its license plates immediately be released to 5073  
the arrested person. 5074

(3) If the charge that the arrested person violated 5075  
division (A) of section 4511.19 of the Revised Code or the 5076  
municipal OVI ordinance is dismissed for any reason, the court 5077  
shall order that the vehicle and its license plates immediately 5078  
be released to the arrested person. 5079

(4) If the impoundment of the vehicle was not authorized 5080

under this section, the court shall order that the vehicle and 5081  
its license plates be returned immediately to the arrested 5082  
person or, if the arrested person is not the vehicle owner, to 5083  
the vehicle owner, and shall order that the state or political 5084  
subdivision of the law enforcement agency served by the law 5085  
enforcement officer who seized the vehicle pay all expenses and 5086  
charges incurred in its removal and storage. 5087

(E) If a vehicle is seized under division (B) of this 5088  
section, the time between the seizure of the vehicle and either 5089  
its release to the arrested person under division (C) of this 5090  
section or the issuance of an order of immobilization of the 5091  
vehicle under section 4503.233 of the Revised Code shall be 5092  
credited against the period of immobilization ordered by the 5093  
court. 5094

(F) (1) Except as provided in division (D) (4) of this 5095  
section, the arrested person may be charged expenses or charges 5096  
incurred in the removal and storage of the immobilized vehicle. 5097  
The court with jurisdiction over the case, after notice to all 5098  
interested parties, including lienholders, and after an 5099  
opportunity for them to be heard, if the court finds that the 5100  
arrested person does not intend to seek release of the vehicle 5101  
at the end of the period of immobilization under section 5102  
4503.233 of the Revised Code or that the arrested person is not 5103  
or will not be able to pay the expenses and charges incurred in 5104  
its removal and storage, may order that title to the vehicle be 5105  
transferred, in order of priority, first into the name of the 5106  
person or entity that removed it, next into the name of a 5107  
lienholder, or lastly into the name of the owner of the place of 5108  
storage. 5109

Any lienholder that receives title under a court order 5110

shall do so on the condition that it pay any expenses or charges 5111  
incurred in the vehicle's removal and storage. If the person or 5112  
entity that receives title to the vehicle is the person or 5113  
entity that removed it, the person or entity shall receive title 5114  
on the condition that it pay any lien on the vehicle. The court 5115  
shall not order that title be transferred to any person or 5116  
entity other than the owner of the place of storage if the 5117  
person or entity refuses to receive the title. Any person or 5118  
entity that receives title either may keep title to the vehicle 5119  
or may dispose of the vehicle in any legal manner that it 5120  
considers appropriate, including assignment of the certificate 5121  
of title to the motor vehicle to a salvage dealer or a scrap 5122  
metal processing facility. The person or entity shall not 5123  
transfer the vehicle to the person who is the vehicle's 5124  
immediate previous owner. 5125

If the person or entity that receives title assigns the 5126  
motor vehicle to a salvage dealer or scrap metal processing 5127  
facility, the person or entity shall send the assigned 5128  
certificate of title to the motor vehicle to the clerk of the 5129  
court of common pleas of the county in which the salvage dealer 5130  
or scrap metal processing facility is located. The person or 5131  
entity shall mark the face of the certificate of title with the 5132  
words "FOR DESTRUCTION" and shall deliver a photocopy of the 5133  
certificate of title to the salvage dealer or scrap metal 5134  
processing facility for its records. 5135

(2) Whenever a court issues an order under division (F)(1) 5136  
of this section, the court also shall order removal of the 5137  
license plates from the vehicle and cause them to be sent to the 5138  
registrar of motor vehicles if they have not already been sent 5139  
to the registrar. Thereafter, no further proceedings shall take 5140  
place under this section or under section 4503.233 of the 5141

Revised Code. 5142

(3) Prior to initiating a proceeding under division (F) (1) 5143  
of this section, and upon payment of the fee under division (B) 5144  
of section 4505.14 of the Revised Code, any interested party may 5145  
cause a search to be made of the public records of the bureau of 5146  
motor vehicles or the clerk of the court of common pleas, to 5147  
ascertain the identity of any lienholder of the vehicle. The 5148  
initiating party shall furnish this information to the clerk of 5149  
the court with jurisdiction over the case, and the clerk shall 5150  
provide notice to the arrested person, any lienholder, and any 5151  
other interested parties listed by the initiating party, at the 5152  
last known address supplied by the initiating party, by 5153  
certified mail or, at the option of the initiating party, by 5154  
personal service or ordinary mail. 5155

**Section 2.** That existing sections 1547.99, 1905.01, 5156  
2903.06, 2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 4505.11, 5157  
4510.13, 4510.17, 4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 5158  
4511.191, 4511.193, and 4511.195 of the Revised Code are hereby 5159  
repealed. 5160

**Section 3.** The Director of Public Safety shall study the 5161  
effect of this bill on the number of certified ignition 5162  
interlock devices installed in this state, the number of drunk 5163  
driving accidents and deaths, and the recidivism rate for OVI 5164  
offenses. Not later than 48 months after the effective date of 5165  
this bill, the Director shall issue a report on its findings to 5166  
the Governor, the President of the Senate, the Minority Leader 5167  
of the Senate, the Speaker of the House of Representatives, and 5168  
the Minority Leader of the House of Representatives. 5169

**Section 4.** Section 4505.11 of the Revised Code is 5170  
presented in this act as a composite of the section as amended 5171

by both Sub. H.B. 468 and Am. Sub. S.B. 274 of the 130th General 5172  
Assembly. The General Assembly, applying the principle stated in 5173  
division (B) of section 1.52 of the Revised Code that amendments 5174  
are to be harmonized if reasonably capable of simultaneous 5175  
operation, finds that the composite is the resulting version of 5176  
the section in effect prior to the effective date of the section 5177  
as presented in this act. 5178