

As Reported by the Senate Judiciary Committee

135th General Assembly

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2023-2024

Sub. S. B. No. 37

Senators Blessing, Ingram

A BILL

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

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

Section 1. That sections 1901.44, 1905.202, 1907.25, 16
2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 17
2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 2925.32, 18
2925.36, 2925.37, 2935.26, 2935.27, 2937.40, 2947.09, 3123.54, 19
3123.56, 3123.58, 3321.13, 3321.191, 4501.06, 4503.10, 4503.102, 20

4503.12, 4503.20, 4503.39, 4507.212, 4509.101, 4509.45, 4509.66, 21
4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 4510.16, 4510.17, 22
and 4510.22 be amended and section 2929.33 of the Revised Code 23
be enacted to read as follows: 24

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

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

(B) If a person is charged with an offense in municipal 37
court and ~~either fails to appear in court at the required time~~ 38
~~and place to answer the charge or pleads guilty to or is found~~ 39
~~guilty of the offense and fails within the time allowed by the~~ 40
~~court to pay any fine or costs imposed by the court,~~ the court 41
may enter information relative to the person's failure to ~~pay~~ 42
~~any outstanding amount of the fine or costs~~ appear on a form 43
prescribed or approved by the registrar of motor vehicles 44
pursuant to division (C) of this section and send the form to 45
the registrar. Upon receipt of the form, the registrar shall 46
take any measures necessary to ensure that neither the registrar 47
nor any deputy registrar accepts any application for the 48
registration or transfer of registration of any motor vehicle 49
owned or leased by the person. However, for a motor vehicle 50

leased by the person, the registrar shall not implement this 51
requirement until the registrar adopts procedures for that 52
implementation under section 4503.39 of the Revised Code. 53

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

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

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

Sec. 1905.202. (A) (1) Notwithstanding any other provision 75
of the Revised Code, if at the time of sentencing or at any time 76
after sentencing a mayor's court finds that a person who is 77
found guilty of an offense is unable to pay costs, the court may 78
order the offender to perform community service in lieu of 79
costs. 80

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

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

The period of denial relating to the issuance or transfer of a certificate of registration for a motor vehicle imposed under this section remains in effect until the person ~~pays any fine or costs imposed by the~~ appears in court relative to the offense. ~~When the fine or costs have been paid in full, the~~ The court shall inform the registrar of the ~~payment~~ appearance by entering information relative to the ~~payment~~ appearance on a ~~notice of payment~~ form prescribed or approved by the registrar

pursuant to division (C) of this section and sending the form to 112
the registrar. 113

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

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

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

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

(B) If a person is charged with an offense in county court 136
and ~~either~~ fails to appear in court at the required time and 137
place to answer the charge ~~or pleads guilty to or is found~~ 138
~~guilty of the offense and fails within the time allowed by the~~ 139
~~court to pay any fine or costs imposed by the court,~~ the court 140

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

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

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

The registrar may require that any of the forms prescribed 169
or approved pursuant to this section be transmitted to the 170

registrar electronically. If the registrar requires electronic 171
transmission, the registrar shall not be required to give effect 172
to any form that is not transmitted electronically. 173

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

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

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

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

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

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

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

(c) Induce or cause a juvenile who is at least two years 196
the offender's junior to commit a felony drug abuse offense, 197
when the offender knows the age of the juvenile or is reckless 198

in that regard; 199

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

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

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

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

(1) If the offense is a violation of division (A) (1), (2), 219
(3), or (4) of this section and the drug involved is any 220
compound, mixture, preparation, or substance included in 221
schedule I or II, with the exception of marihuana, 1-Pentyl-3- 222
(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 223
morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1- 224
dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, and 5- 225
(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the 226
offender shall be punished as follows: 227

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

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

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

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

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

(3) If the offense is a violation of division (A) (1), (2), 254
(3), or (4) of this section and the drug involved is marihuana, 255
1-Pentyl-3-(1-naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 256

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole, 5-(1,1-dimethylheptyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, or 5-(1,1-dimethyloctyl)-2-[(1R,3S)-3-hydroxycyclohexyl]-phenol, the offender shall be punished as follows:

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

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

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

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

degree felony mandatory prison term. 287

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

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

(1) (a) If the violation is a felony of the first, second, 313
or third degree, the court shall impose upon the offender the 314
mandatory fine specified for the offense under division (B) (1) 315
of section 2929.18 of the Revised Code unless, as specified in 316

that division, the court determines that the offender is 317
indigent. 318

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

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

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

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

(E) Notwithstanding the prison term otherwise authorized 339
or required for the offense under division (C) of this section 340
and sections 2929.13 and 2929.14 of the Revised Code, if the 341
violation of division (A) of this section involves the sale, 342
offer to sell, or possession of a schedule I or II controlled 343
substance, with the exception of marihuana, 1-Pentyl-3-(1- 344
naphthoyl)indole, 1-Butyl-3-(1-naphthoyl)indole, 1-[2-(4- 345

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

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

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

file such a motion. 377

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

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

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

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

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

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

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

(3) Any person who sells, offers for sale, prescribes, 401
dispenses, or administers for livestock or other nonhuman 402
species an anabolic steroid that is expressly intended for 403
administration through implants to livestock or other nonhuman 404

species and approved for that purpose under the "Federal Food, 405
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 406
as amended, and is sold, offered for sale, prescribed, 407
dispensed, or administered for that purpose in accordance with 408
that act. 409

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

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

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

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

(c) Except as otherwise provided in this division, if the 432
amount of the drug involved equals or exceeds the bulk amount 433

but is less than five times the bulk amount, aggravated 434
trafficking in drugs is a felony of the third degree, and, 435
except as otherwise provided in this division, there is a 436
presumption for a prison term for the offense. If aggravated 437
trafficking in drugs is a felony of the third degree under this 438
division and if the offender two or more times previously has 439
been convicted of or pleaded guilty to a felony drug abuse 440
offense, the court shall impose as a mandatory prison term one 441
of the prison terms prescribed for a felony of the third degree. 442
If the amount of the drug involved is within that range and if 443
the offense was committed in the vicinity of a school, in the 444
vicinity of a juvenile, or in the vicinity of a substance 445
addiction services provider or a recovering addict, aggravated 446
trafficking in drugs is a felony of the second degree, and the 447
court shall impose as a mandatory prison term a second degree 448
felony mandatory prison term. 449

(d) Except as otherwise provided in this division, if the 450
amount of the drug involved equals or exceeds five times the 451
bulk amount but is less than fifty times the bulk amount, 452
aggravated trafficking in drugs is a felony of the second 453
degree, and the court shall impose as a mandatory prison term a 454
second degree felony mandatory prison term. If the amount of the 455
drug involved is within that range and if the offense was 456
committed in the vicinity of a school, in the vicinity of a 457
juvenile, or in the vicinity of a substance addiction services 458
provider or a recovering addict, aggravated trafficking in drugs 459
is a felony of the first degree, and the court shall impose as a 460
mandatory prison term a first degree felony mandatory prison 461
term. 462

(e) If the amount of the drug involved equals or exceeds 463
fifty times the bulk amount but is less than one hundred times 464

the bulk amount and regardless of whether the offense was 465
committed in the vicinity of a school, in the vicinity of a 466
juvenile, or in the vicinity of a substance addiction services 467
provider or a recovering addict, aggravated trafficking in drugs 468
is a felony of the first degree, and the court shall impose as a 469
mandatory prison term a first degree felony mandatory prison 470
term. 471

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

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

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

(b) Except as otherwise provided in division (C) (2) (c), 491
(d), or (e) of this section, if the offense was committed in the 492
vicinity of a school or in the vicinity of a juvenile, 493
trafficking in drugs is a felony of the fourth degree, and 494

division (C) of section 2929.13 of the Revised Code applies in 495
determining whether to impose a prison term on the offender. 496

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

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

(e) Except as otherwise provided in this division, if the 517
amount of the drug involved equals or exceeds fifty times the 518
bulk amount, trafficking in drugs is a felony of the second 519
degree, and the court shall impose as a mandatory prison term a 520
second degree felony mandatory prison term. If the amount of the 521
drug involved equals or exceeds fifty times the bulk amount and 522
if the offense was committed in the vicinity of a school or in 523
the vicinity of a juvenile, trafficking in drugs is a felony of 524

the first degree, and the court shall impose as a mandatory 525
prison term a first degree felony mandatory prison term. 526

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

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

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

(c) Except as otherwise provided in this division, if the 544
amount of the drug involved equals or exceeds two hundred grams 545
but is less than one thousand grams, trafficking in marihuana is 546
a felony of the fourth degree, and division (B) of section 547
2929.13 of the Revised Code applies in determining whether to 548
impose a prison term on the offender. If the amount of the drug 549
involved is within that range and if the offense was committed 550
in the vicinity of a school or in the vicinity of a juvenile, 551
trafficking in marihuana is a felony of the third degree, and 552
division (C) of section 2929.13 of the Revised Code applies in 553
determining whether to impose a prison term on the offender. 554

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

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

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

prison term a maximum first degree felony mandatory prison term. 586

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

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

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

(a) Except as otherwise provided in division (C) (4) (b), 611
(c), (d), (e), (f), or (g) of this section, trafficking in 612
cocaine is a felony of the fifth degree, and division (B) of 613
section 2929.13 of the Revised Code applies in determining 614
whether to impose a prison term on the offender. 615

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

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

(d) Except as otherwise provided in this division, if the 636
amount of the drug involved equals or exceeds ten grams but is 637
less than twenty grams of cocaine, trafficking in cocaine is a 638
felony of the third degree, and, except as otherwise provided in 639
this division, there is a presumption for a prison term for the 640
offense. If trafficking in cocaine is a felony of the third 641
degree under this division and if the offender two or more times 642
previously has been convicted of or pleaded guilty to a felony 643
drug abuse offense, the court shall impose as a mandatory prison 644
term one of the prison terms prescribed for a felony of the 645
third degree. If the amount of the drug involved is within that 646

range and if the offense was committed in the vicinity of a 647
school, in the vicinity of a juvenile, or in the vicinity of a 648
substance addiction services provider or a recovering addict, 649
trafficking in cocaine is a felony of the second degree, and the 650
court shall impose as a mandatory prison term a second degree 651
felony mandatory prison term. 652

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

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

(g) If the amount of the drug involved equals or exceeds 673
one hundred grams of cocaine and regardless of whether the 674
offense was committed in the vicinity of a school, in the 675
vicinity of a juvenile, or in the vicinity of a substance 676

addiction services provider or a recovering addict, trafficking 677
in cocaine is a felony of the first degree, the offender is a 678
major drug offender, and the court shall impose as a mandatory 679
prison term a maximum first degree felony mandatory prison term. 680

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

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

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

(c) Except as otherwise provided in this division, if the 699
amount of the drug involved equals or exceeds ten unit doses but 700
is less than fifty unit doses of L.S.D. in a solid form or 701
equals or exceeds one gram but is less than five grams of L.S.D. 702
in a liquid concentrate, liquid extract, or liquid distillate 703
form, trafficking in L.S.D. is a felony of the fourth degree, 704
and division (B) of section 2929.13 of the Revised Code applies 705
in determining whether to impose a prison term for the offense. 706

If the amount of the drug involved is within that range and if 707
the offense was committed in the vicinity of a school, in the 708
vicinity of a juvenile, or in the vicinity of a substance 709
addiction services provider or a recovering addict, trafficking 710
in L.S.D. is a felony of the third degree, and there is a 711
presumption for a prison term for the offense. 712

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

(e) Except as otherwise provided in this division, if the 733
amount of the drug involved equals or exceeds two hundred fifty 734
unit doses but is less than one thousand unit doses of L.S.D. in 735
a solid form or equals or exceeds twenty-five grams but is less 736
than one hundred grams of L.S.D. in a liquid concentrate, liquid 737

extract, or liquid distillate form, trafficking in L.S.D. is a 738
felony of the second degree, and the court shall impose as a 739
mandatory prison term a second degree felony mandatory prison 740
term. If the amount of the drug involved is within that range 741
and if the offense was committed in the vicinity of a school, in 742
the vicinity of a juvenile, or in the vicinity of a substance 743
addiction services provider or a recovering addict, trafficking 744
in L.S.D. is a felony of the first degree, and the court shall 745
impose as a mandatory prison term a first degree felony 746
mandatory prison term. 747

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

(g) If the amount of the drug involved equals or exceeds 759
five thousand unit doses of L.S.D. in a solid form or equals or 760
exceeds five hundred grams of L.S.D. in a liquid concentrate, 761
liquid extract, or liquid distillate form and regardless of 762
whether the offense was committed in the vicinity of a school, 763
in the vicinity of a juvenile, or in the vicinity of a substance 764
addiction services provider or a recovering addict, trafficking 765
in L.S.D. is a felony of the first degree, the offender is a 766
major drug offender, and the court shall impose as a mandatory 767
prison term a maximum first degree felony mandatory prison term. 768

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

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

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

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

the offense. 799

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

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

(f) If the amount of the drug involved equals or exceeds 825
five hundred unit doses but is less than one thousand unit doses 826
or equals or exceeds fifty grams but is less than one hundred 827
grams and regardless of whether the offense was committed in the 828

vicinity of a school, in the vicinity of a juvenile, or in the 829
vicinity of a substance addiction services provider or a 830
recovering addict, trafficking in heroin is a felony of the 831
first degree, and the court shall impose as a mandatory prison 832
term a first degree felony mandatory prison term. 833

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

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

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

(b) Except as otherwise provided in division (C) (7) (c), 853
(d), (e), (f), or (g) of this section, if the offense was 854
committed in the vicinity of a school, in the vicinity of a 855
juvenile, or in the vicinity of a substance addiction services 856
provider or a recovering addict, trafficking in hashish is a 857
felony of the fourth degree, and division (B) of section 2929.13 858

of the Revised Code applies in determining whether to impose a 859
prison term on the offender. 860

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

(d) Except as otherwise provided in this division, if the 876
amount of the drug involved equals or exceeds fifty grams but is 877
less than two hundred fifty grams of hashish in a solid form or 878
equals or exceeds ten grams but is less than fifty grams of 879
hashish in a liquid concentrate, liquid extract, or liquid 880
distillate form, trafficking in hashish is a felony of the third 881
degree, and division (C) of section 2929.13 of the Revised Code 882
applies in determining whether to impose a prison term on the 883
offender. If the amount of the drug involved is within that 884
range and if the offense was committed in the vicinity of a 885
school, in the vicinity of a juvenile, or in the vicinity of a 886
substance addiction services provider or a recovering addict, 887
trafficking in hashish is a felony of the second degree, and 888
there is a presumption that a prison term shall be imposed for 889

the offense. 890

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

(f) Except as otherwise provided in this division, if the 905
amount of the drug involved equals or exceeds one thousand grams 906
but is less than two thousand grams of hashish in a solid form 907
or equals or exceeds two hundred grams but is less than four 908
hundred grams of hashish in a liquid concentrate, liquid 909
extract, or liquid distillate form, trafficking in hashish is a 910
felony of the second degree, and the court shall impose as a 911
mandatory prison term a second degree felony mandatory prison 912
term of five, six, seven, or eight years. If the amount of the 913
drug involved is within that range and if the offense was 914
committed in the vicinity of a school, in the vicinity of a 915
juvenile, or in the vicinity of a substance addiction services 916
provider or a recovering addict, trafficking in hashish is a 917
felony of the first degree, and the court shall impose as a 918
mandatory prison term a maximum first degree felony mandatory 919
prison term. 920

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

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

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

(b) Except as otherwise provided in division (C) (8) (c), (d), (e), (f), or (g) of this section, if the offense was

committed in the vicinity of a school, in the vicinity of a 951
juvenile, or in the vicinity of a substance addiction services 952
provider or a recovering addict, trafficking in a controlled 953
substance analog is a felony of the fourth degree, and division 954
(C) of section 2929.13 of the Revised Code applies in 955
determining whether to impose a prison term on the offender. 956

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

(d) Except as otherwise provided in this division, if the 969
amount of the drug involved equals or exceeds twenty grams but 970
is less than thirty grams, trafficking in a controlled substance 971
analog is a felony of the third degree, and there is a 972
presumption for a prison term for the offense. If the amount of 973
the drug involved is within that range and if the offense was 974
committed in the vicinity of a school, in the vicinity of a 975
juvenile, or in the vicinity of a substance addiction services 976
provider or a recovering addict, trafficking in a controlled 977
substance analog is a felony of the second degree, and there is 978
a presumption for a prison term for the offense. 979

(e) Except as otherwise provided in this division, if the 980

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

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

(g) If the amount of the drug involved equals or exceeds 1001
fifty grams and regardless of whether the offense was committed 1002
in the vicinity of a school, in the vicinity of a juvenile, or 1003
in the vicinity of a substance addiction services provider or a 1004
recovering addict, trafficking in a controlled substance analog 1005
is a felony of the first degree, the offender is a major drug 1006
offender, and the court shall impose as a mandatory prison term 1007
a maximum first degree felony mandatory prison term. 1008

(9) If the drug involved in the violation is a fentanyl- 1009
related compound or a compound, mixture, preparation, or 1010

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

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

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

(c) Except as otherwise provided in this division, if the 1029
amount of the drug involved equals or exceeds ten unit doses but 1030
is less than fifty unit doses or equals or exceeds one gram but 1031
is less than five grams, trafficking in a fentanyl-related 1032
compound is a felony of the fourth degree, and division (B) of 1033
section 2929.13 of the Revised Code applies in determining 1034
whether to impose a prison term for the offense. If the amount 1035
of the drug involved is within that range and if the offense was 1036
committed in the vicinity of a school, in the vicinity of a 1037
juvenile, or in the vicinity of a substance addiction services 1038
provider or a recovering addict, trafficking in a fentanyl- 1039
related compound is a felony of the third degree, and there is a 1040

presumption for a prison term for the offense. 1041

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

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

(f) If the amount of the drug involved equals or exceeds 1068
two hundred unit doses but is less than five hundred unit doses 1069
or equals or exceeds twenty grams but is less than fifty grams 1070

and regardless of whether the offense was committed in the 1071
vicinity of a school, in the vicinity of a juvenile, or in the 1072
vicinity of a substance addiction services provider or a 1073
recovering addict, trafficking in a fentanyl-related compound is 1074
a felony of the first degree, and the court shall impose as a 1075
mandatory prison term one of the prison terms prescribed for a 1076
felony of the first degree. 1077

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

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

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

applies: 1101

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

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

(D) In addition to any prison term authorized or required 1114
by division (C) of this section and sections 2929.13 and 2929.14 1115
of the Revised Code, and in addition to any other sanction 1116
imposed for the offense under this section or sections 2929.11 1117
to 2929.18 of the Revised Code, ~~the court that sentences an~~ 1118
~~offender who is convicted of or pleads guilty to a violation of~~ 1119
~~division (A) of this section may suspend the driver's or~~ 1120
~~commercial driver's license or permit of the offender in~~ 1121
~~accordance with division (G) of this section. However, if the~~ 1122
~~offender pleaded guilty to or was convicted of a violation of~~ 1123
~~section 4511.19 of the Revised Code or a substantially similar~~ 1124
~~municipal ordinance or the law of another state or the United~~ 1125
~~States arising out of the same set of circumstances as the~~ 1126
~~violation, the court shall suspend the offender's driver's or~~ 1127
~~commercial driver's license or permit in accordance with~~ 1128
~~division (G) of this section. If if applicable, the court also~~ 1129
shall do the following: 1130

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B) (1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H) (1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D) (1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H) (1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H) (2) and (3) of this section, as if that remaining amount was a fine imposed under division (H) (1) of this section.

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

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

(E) When a person is charged with the sale of or offer to sell a bulk amount or a multiple of a bulk amount of a controlled substance, the jury, or the court trying the accused, shall determine the amount of the controlled substance involved at the time of the offense and, if a guilty verdict is returned,

shall return the findings as part of the verdict. In any such 1161
case, it is unnecessary to find and return the exact amount of 1162
the controlled substance involved, and it is sufficient if the 1163
finding and return is to the effect that the amount of the 1164
controlled substance involved is the requisite amount, or that 1165
the amount of the controlled substance involved is less than the 1166
requisite amount. 1167

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

(2) Prior to receiving any fine moneys under division (F) 1188
(1) of this section or division (B) of section 2925.42 of the 1189
Revised Code, a law enforcement agency shall adopt a written 1190
internal control policy that addresses the agency's use and 1191

disposition of all fine moneys so received and that provides for 1192
the keeping of detailed financial records of the receipts of 1193
those fine moneys, the general types of expenditures made out of 1194
those fine moneys, and the specific amount of each general type 1195
of expenditure. The policy shall not provide for or permit the 1196
identification of any specific expenditure that is made in an 1197
ongoing investigation. All financial records of the receipts of 1198
those fine moneys, the general types of expenditures made out of 1199
those fine moneys, and the specific amount of each general type 1200
of expenditure by an agency are public records open for 1201
inspection under section 149.43 of the Revised Code. 1202
Additionally, a written internal control policy adopted under 1203
this division is such a public record, and the agency that 1204
adopted it shall comply with it. 1205

(3) As used in division (F) of this section: 1206

(a) "Law enforcement agencies" includes, but is not 1207
limited to, the state board of pharmacy and the office of a 1208
prosecutor. 1209

(b) "Prosecutor" has the same meaning as in section 1210
2935.01 of the Revised Code. 1211

~~(G)(1) If the sentencing court suspends the offender's 1212
driver's or commercial driver's license or permit under division 1213
(D) of this section or any other provision of this chapter, the 1214
court shall suspend the license, by order, for not more than 1215
five years. If an offender's driver's or commercial driver's 1216
license or permit is suspended pursuant to this division, the 1217
offender, at any time after the expiration of two years from the 1218
day on which the offender's sentence was imposed or from the day 1219
on which the offender finally was released from a prison term 1220
under the sentence, whichever is later, may file a motion with 1221~~

~~the sentencing court requesting termination of the suspension;~~ 1222
~~upon the filing of such a motion and the court's finding of good~~ 1223
~~cause for the termination, the court may terminate the~~ 1224
~~suspension.~~ 1225

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

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

(H) (1) In addition to any prison term authorized or 1240
required by division (C) of this section and sections 2929.13 1241
and 2929.14 of the Revised Code, in addition to any other 1242
penalty or sanction imposed for the offense under this section 1243
or sections 2929.11 to 2929.18 of the Revised Code, and in 1244
addition to the forfeiture of property in connection with the 1245
offense as prescribed in Chapter 2981. of the Revised Code, the 1246
court that sentences an offender who is convicted of or pleads 1247
guilty to a violation of division (A) of this section may impose 1248
upon the offender an additional fine specified for the offense 1249
in division (B) (4) of section 2929.18 of the Revised Code. A 1250
fine imposed under division (H) (1) of this section is not 1251

subject to division (F) of this section and shall be used solely 1252
for the support of one or more eligible community addiction 1253
services providers in accordance with divisions (H) (2) and (3) 1254
of this section. 1255

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

(3) Notwithstanding any contrary provision of section 1274
3719.21 of the Revised Code, the clerk of the court shall pay 1275
any fine imposed under division (H) (1) of this section to the 1276
eligible community addiction services provider specified 1277
pursuant to division (H) (2) of this section in the judgment. The 1278
eligible community addiction services provider that receives the 1279
fine moneys shall use the moneys only for the alcohol and drug 1280
addiction services identified in the application for 1281
certification of services under section 5119.36 of the Revised 1282

Code or in the application for a license under section 5119.37 1283
of the Revised Code filed with the department of mental health 1284
and addiction services by the community addiction services 1285
provider specified in the judgment. 1286

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

(5) As used in divisions (H) (1) to (5) of this section: 1311

(a) "Community addiction services provider" and "alcohol 1312

and drug addiction services" have the same meanings as in 1313
section 5119.01 of the Revised Code. 1314

(b) "Eligible community addiction services provider" means 1315
a community addiction services provider, including a community 1316
addiction services provider that operates an opioid treatment 1317
program licensed under section 5119.37 of the Revised Code. 1318

(I) As used in this section, "drug" includes any substance 1319
that is represented to be a drug. 1320

(J) It is an affirmative defense to a charge of 1321
trafficking in a controlled substance analog under division (C) 1322
(8) of this section that the person charged with violating that 1323
offense sold or offered to sell, or prepared for shipment, 1324
shipped, transported, delivered, prepared for distribution, or 1325
distributed one of the following items that are excluded from 1326
the meaning of "controlled substance analog" under section 1327
3719.01 of the Revised Code: 1328

(1) A controlled substance; 1329

(2) Any substance for which there is an approved new drug 1330
application; 1331

(3) With respect to a particular person, any substance if 1332
an exemption is in effect for investigational use for that 1333
person pursuant to federal law to the extent that conduct with 1334
respect to that substance is pursuant to that exemption. 1335

Sec. 2925.04. (A) No person shall knowingly cultivate 1336
marihuana or knowingly manufacture or otherwise engage in any 1337
part of the production of a controlled substance. 1338

(B) This section does not apply to any person listed in 1339
division (B)(1), (2), or (3) of section 2925.03 of the Revised 1340

Code to the extent and under the circumstances described in 1341
those divisions. 1342

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

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

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

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

(a) Except as otherwise provided in division (C) (3) (b) of 1367
this section, if the drug involved in the violation is 1368
methamphetamine, illegal manufacture of drugs is a felony of the 1369

second degree, and, subject to division (E) of this section, the court shall impose a mandatory prison term on the offender determined in accordance with this division. Except as otherwise provided in this division, the court shall impose as a mandatory prison term a second degree felony mandatory prison term that is not less than three years. If the offender previously has been convicted of or pleaded guilty to a violation of division (A) of this section, a violation of division (B) (6) of section 2919.22 of the Revised Code, or a violation of division (A) of section 2925.041 of the Revised Code, the court shall impose as a mandatory prison term a second degree felony mandatory prison term that is not less than five years.

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

(4) If the drug involved in the violation of division (A) of this section is any compound, mixture, preparation, or substance included in schedule III, IV, or V, illegal

manufacture of drugs is a felony of the third degree or, if the 1401
offense was committed in the vicinity of a school or in the 1402
vicinity of a juvenile, a felony of the second degree, and there 1403
is a presumption for a prison term for the offense. 1404

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

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

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

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

(d) If the amount of marihuana involved equals or exceeds 1425
one thousand grams but is less than five thousand grams, illegal 1426
cultivation of marihuana is a felony of the third degree or, if 1427
the offense was committed in the vicinity of a school or in the 1428
vicinity of a juvenile, a felony of the second degree, and 1429

division (C) of section 2929.13 of the Revised Code applies in 1430
determining whether to impose a prison term on the offender. 1431

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

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

(D) In addition to any prison term authorized or required 1449
by division (C) or (E) of this section and sections 2929.13 and 1450
2929.14 of the Revised Code and in addition to any other 1451
sanction imposed for the offense under this section or sections 1452
2929.11 to 2929.18 of the Revised Code, ~~the court that sentences~~ 1453
~~an offender who is convicted of or pleads guilty to a violation~~ 1454
~~of division (A) of this section may suspend the offender's~~ 1455
~~driver's or commercial driver's license or permit in accordance~~ 1456
~~with division (C) of section 2925.03 of the Revised Code.~~ 1457
~~However, if the offender pleaded guilty to or was convicted of a~~ 1458
~~violation of section 4511.19 of the Revised Code or a~~ 1459

~~substantially similar municipal ordinance or the law of another~~ 1460
~~state or the United States arising out of the same set of~~ 1461
~~circumstances as the violation, the court shall suspend the~~ 1462
~~offender's driver's or commercial driver's license or permit in~~ 1463
~~accordance with division (G) of section 2925.03 of the Revised~~ 1464
~~Code. If if applicable, the court also shall do the following:~~ 1465

(1) If the violation of division (A) of this section is a 1466
felony of the first, second, or third degree, the court shall 1467
impose upon the offender the mandatory fine specified for the 1468
offense under division (B) (1) of section 2929.18 of the Revised 1469
Code unless, as specified in that division, the court determines 1470
that the offender is indigent. The clerk of the court shall pay 1471
a mandatory fine or other fine imposed for a violation of this 1472
section pursuant to division (A) of section 2929.18 of the 1473
Revised Code in accordance with and subject to the requirements 1474
of division (F) of section 2925.03 of the Revised Code. The 1475
agency that receives the fine shall use the fine as specified in 1476
division (F) of section 2925.03 of the Revised Code. If a person 1477
is charged with a violation of this section that is a felony of 1478
the first, second, or third degree, posts bail, and forfeits the 1479
bail, the clerk shall pay the forfeited bail as if the forfeited 1480
bail were a fine imposed for a violation of this section. 1481

(2) If the offender is a professionally licensed person, 1482
the court immediately shall comply with section 2925.38 of the 1483
Revised Code. 1484

(3) If the offender has a driver's or commercial driver's 1485
license or permit, section 2929.33 of the Revised Code applies. 1486

(E) Notwithstanding the prison term otherwise authorized 1487
or required for the offense under division (C) of this section 1488
and sections 2929.13 and 2929.14 of the Revised Code, if the 1489

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

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

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

(G) Arrest or conviction for a minor misdemeanor violation 1517
of this section does not constitute a criminal record and need 1518
not be reported by the person so arrested or convicted in 1519

response to any inquiries about the person's criminal record, 1520
including any inquiries contained in an application for 1521
employment, a license, or any other right or privilege or made 1522
in connection with the person's appearance as a witness. 1523

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

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

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

Sec. 2925.041. (A) No person shall knowingly assemble or 1544
possess one or more chemicals that may be used to manufacture a 1545
controlled substance in schedule I or II with the intent to 1546
manufacture a controlled substance in schedule I or II in 1547
violation of section 2925.04 of the Revised Code. 1548

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

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

(1) Except as otherwise provided in this division, there 1578
is a presumption for a prison term for the offense. If the 1579

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

(2) If the violation of division (A) of this section is a 1594
felony of the second degree under division (C) of this section 1595
and the chemical or chemicals assembled or possessed in 1596
committing the violation may be used to manufacture 1597
methamphetamine, the court shall impose as a mandatory prison 1598
term a second degree felony mandatory prison term that is not 1599
less than three years. If the violation of division (A) of this 1600
section is a felony of the second degree under division (C) of 1601
this section, if the chemical or chemicals assembled or 1602
possessed in committing the violation may be used to manufacture 1603
methamphetamine, and if the offender previously has been 1604
convicted of or pleaded guilty to a violation of division (A) of 1605
this section, a violation of division (B) (6) of section 2919.22 1606
of the Revised Code, or a violation of division (A) of section 1607
2925.04 of the Revised Code, the court shall impose as a 1608
mandatory prison term a second degree felony mandatory prison 1609
term that is not less than five years. 1610

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

(1) The court shall impose upon the offender the mandatory 1628
fine specified for the offense under division (B)(1) of section 1629
2929.18 of the Revised Code unless, as specified in that 1630
division, the court determines that the offender is indigent. 1631
The clerk of the court shall pay a mandatory fine or other fine 1632
imposed for a violation of this section under division (A) of 1633
section 2929.18 of the Revised Code in accordance with and 1634
subject to the requirements of division (F) of section 2925.03 1635
of the Revised Code. The agency that receives the fine shall use 1636
the fine as specified in division (F) of section 2925.03 of the 1637
Revised Code. If a person charged with a violation of this 1638
section posts bail and forfeits the bail, the clerk shall pay 1639
the forfeited bail as if the forfeited bail were a fine imposed 1640
for a violation of this section. 1641

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

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

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

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

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

Sec. 2925.05. (A) No person shall knowingly provide money 1669
or other items of value to another person with the purpose that 1670

the recipient of the money or items of value use them to obtain 1671
any controlled substance for the purpose of violating section 1672
2925.04 of the Revised Code or for the purpose of selling or 1673
offering to sell the controlled substance in the following 1674
amount: 1675

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

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

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

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

(5) If the drug to be sold or offered for sale is heroin 1696
or a fentanyl-related compound, or a compound, mixture, 1697
preparation, or substance containing heroin or a fentanyl- 1698
related compound, an amount that equals or exceeds ten unit 1699

doses or equals or exceeds one gram; 1700

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

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

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

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

(3) If the drug involved in the violation is marihuana, 1725
whoever violates division (A) of this section is guilty of 1726
funding of marihuana trafficking, a felony of the third degree, 1727
and, except as otherwise provided in this division, there is a 1728

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

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

(1) The court shall impose the mandatory fine specified 1752
for the offense under division (B)(1) of section 2929.18 of the 1753
Revised Code unless, as specified in that division, the court 1754
determines that the offender is indigent. The clerk of the court 1755
shall pay a mandatory fine or other fine imposed for a violation 1756
of this section pursuant to division (A) of section 2929.18 of 1757
the Revised Code in accordance with and subject to the 1758
requirements of division (F) of section 2925.03 of the Revised 1759

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

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

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

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

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

(2) If division (E) (1) of this section does not apply and 1783
the court imposing sentence upon the offender finds that the 1784
offender as a result of the violation is a major drug offender 1785
and is guilty of a specification of the type described in 1786
division (A) of section 2941.1410 of the Revised Code, the 1787
court, in lieu of the prison term otherwise authorized or 1788

required, shall impose upon the offender the mandatory prison 1789
term specified in division (B) (3) of section 2929.14 of the 1790
Revised Code. 1791

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

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

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

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

(B) This section does not apply to any person listed in 1817

division (B) (1), (2), or (3) of section 2925.03 of the Revised 1818
Code to the extent and under the circumstances described in 1819
those divisions. 1820

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

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

~~If~~ if the offender is a professionally licensed person, 1846
the court immediately shall comply with section 2925.38 of the 1847

Revised Code. 1848

If the offender has a driver's or commercial driver's 1849
license or permit, section 2929.33 of the Revised Code applies. 1850

(2) Any offender who received a mandatory suspension of 1851
the offender's driver's or commercial driver's license or permit 1852
under this section prior to ~~the effective date of this amendment~~ 1853
September 13, 2016, may file a motion with the sentencing court 1854
requesting the termination of the suspension. However, an 1855
offender who pleaded guilty to or was convicted of a violation 1856
of section 4511.19 of the Revised Code or a substantially 1857
similar municipal ordinance or law of another state or the 1858
United States that arose out of the same set of circumstances as 1859
the violation for which the offender's license or permit was 1860
suspended under this section shall not file such a motion. 1861

Upon the filing of a motion under division (D)(2) of this 1862
section, the sentencing court, in its discretion, may terminate 1863
the suspension. 1864

(E) If a person commits any act that constitutes a 1865
violation of division (A) of this section and that also 1866
constitutes a violation of any other provision of the Revised 1867
Code, the prosecutor, as defined in section 2935.01 of the 1868
Revised Code, using customary prosecutorial discretion, may 1869
prosecute the person for a violation of the appropriate 1870
provision of the Revised Code. 1871

Sec. 2925.11. (A) No person shall knowingly obtain, 1872
possess, or use a controlled substance or a controlled substance 1873
analog. 1874

(B) (1) This section does not apply to any of the 1875
following: 1876

(a) Manufacturers, licensed health professionals 1877
authorized to prescribe drugs, pharmacists, owners of 1878
pharmacies, and other persons whose conduct was in accordance 1879
with Chapters 3719., 4715., 4723., 4729., 4730., 4731., and 1880
4741. of the Revised Code; 1881

(b) If the offense involves an anabolic steroid, any 1882
person who is conducting or participating in a research project 1883
involving the use of an anabolic steroid if the project has been 1884
approved by the United States food and drug administration; 1885

(c) Any person who sells, offers for sale, prescribes, 1886
dispenses, or administers for livestock or other nonhuman 1887
species an anabolic steroid that is expressly intended for 1888
administration through implants to livestock or other nonhuman 1889
species and approved for that purpose under the "Federal Food, 1890
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, 1891
as amended, and is sold, offered for sale, prescribed, 1892
dispensed, or administered for that purpose in accordance with 1893
that act; 1894

(d) Any person who obtained the controlled substance 1895
pursuant to a prescription issued by a licensed health 1896
professional authorized to prescribe drugs if the prescription 1897
was issued for a legitimate medical purpose and not altered, 1898
forged, or obtained through deception or commission of a theft 1899
offense. 1900

As used in division (B) (1) (d) of this section, "deception" 1901
and "theft offense" have the same meanings as in section 2913.01 1902
of the Revised Code. 1903

(2) (a) As used in division (B) (2) of this section: 1904

(i) "Community addiction services provider" has the same 1905

| | |
|--|--|
| meaning as in section 5119.01 of the Revised Code. | 1906 |
| (ii) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. | 1907 1908 |
| (iii) "Health care facility" has the same meaning as in section 2919.16 of the Revised Code. | 1909 1910 |
| (iv) "Minor drug possession offense" means a violation of this section that is a misdemeanor or a felony of the fifth degree. | 1911 1912 1913 |
| (v) "Post-release control sanction" has the same meaning as in section 2967.28 of the Revised Code. | 1914 1915 |
| (vi) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code. | 1916 1917 |
| (vii) "Public agency" has the same meaning as in section 2930.01 of the Revised Code. | 1918 1919 |
| (viii) "Qualified individual" means a person who is acting in good faith who seeks or obtains medical assistance for another person who is experiencing a drug overdose, a person who experiences a drug overdose and who seeks medical assistance for that overdose, or a person who is the subject of another person seeking or obtaining medical assistance for that overdose as described in division (B) (2) (b) of this section. | 1920 1921 1922 1923 1924 1925 1926 |
| (ix) "Seek or obtain medical assistance" includes, but is not limited to making a 9-1-1 call, contacting in person or by telephone call an on-duty peace officer, or transporting or presenting a person to a health care facility. | 1927 1928 1929 1930 |
| (b) Subject to division (B) (2) (e) of this section, a qualified individual shall not be arrested, charged, prosecuted, convicted, or penalized pursuant to this chapter for a minor | 1931 1932 1933 |

drug possession offense or a violation of section 2925.12, 1934
division (C) (1) of section 2925.14, or section 2925.141 of the 1935
Revised Code if all of the following apply: 1936

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

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

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

(c) If a person who is serving a community control 1957
sanction or is under a sanction on post-release control acts 1958
pursuant to division (B) (2) (b) of this section, then division 1959
(B) of section 2929.141, division (B) (2) of section 2929.15, 1960
division (D) (3) of section 2929.25, or division (F) (3) of 1961
section 2967.28 of the Revised Code applies to the person with 1962
respect to any violation of the sanction or post-release control 1963

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

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

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

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

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

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

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

(f) Nothing in this section shall compel any qualified 1992

individual to disclose protected health information in a way 1993
that conflicts with the requirements of the "Health Insurance 1994
Portability and Accountability Act of 1996," 104 Pub. L. No. 1995
191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 1996
regulations promulgated by the United States department of 1997
health and human services to implement the act or the 1998
requirements of 42 C.F.R. Part 2. 1999

(C) Whoever violates division (A) of this section is 2000
guilty of one of the following: 2001

(1) If the drug involved in the violation is a compound, 2002
mixture, preparation, or substance included in schedule I or II, 2003
with the exception of marihuana, cocaine, L.S.D., heroin, any 2004
fentanyl-related compound, hashish, and any controlled substance 2005
analog, whoever violates division (A) of this section is guilty 2006
of aggravated possession of drugs. The penalty for the offense 2007
shall be determined as follows: 2008

(a) Except as otherwise provided in division (C) (1) (b), 2009
(c), (d), or (e) of this section, aggravated possession of drugs 2010
is a felony of the fifth degree, and division (B) of section 2011
2929.13 of the Revised Code applies in determining whether to 2012
impose a prison term on the offender. 2013

(b) If the amount of the drug involved equals or exceeds 2014
the bulk amount but is less than five times the bulk amount, 2015
aggravated possession of drugs is a felony of the third degree, 2016
and there is a presumption for a prison term for the offense. 2017

(c) If the amount of the drug involved equals or exceeds 2018
five times the bulk amount but is less than fifty times the bulk 2019
amount, aggravated possession of drugs is a felony of the second 2020
degree, and the court shall impose as a mandatory prison term a 2021

second degree felony mandatory prison term. 2022

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

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

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

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

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

(c) If the amount of the drug involved equals or exceeds 2048
five times the bulk amount but is less than fifty times the bulk 2049
amount, possession of drugs is a felony of the third degree, and 2050

there is a presumption for a prison term for the offense. 2051

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

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

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

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

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

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

(e) If the amount of the drug involved equals or exceeds 2078
five thousand grams but is less than twenty thousand grams, 2079

possession of marihuana is a felony of the third degree, and 2080
there is a presumption that a prison term shall be imposed for 2081
the offense. 2082

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

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

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

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

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

(c) If the amount of the drug involved equals or exceeds 2108

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

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

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

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

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

(a) Except as otherwise provided in division (C) (5) (b), 2137

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

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

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

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

(e) If the amount of L.S.D. involved equals or exceeds one 2165
thousand unit doses but is less than five thousand unit doses of 2166
L.S.D. in a solid form or equals or exceeds one hundred grams 2167

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

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

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

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

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

(c) If the amount of the drug involved equals or exceeds 2196

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

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

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

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

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

(a) Except as otherwise provided in division (C) (7) (b), 2224
(c), (d), (e), (f), or (g) of this section, possession of 2225

hashish is a minor misdemeanor. 2226

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

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

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

(e) If the amount of the drug involved equals or exceeds 2249
two hundred fifty grams but is less than one thousand grams of 2250
hashish in a solid form or equals or exceeds fifty grams but is 2251
less than two hundred grams of hashish in a liquid concentrate, 2252
liquid extract, or liquid distillate form, possession of hashish 2253
is a felony of the third degree, and there is a presumption that 2254
a prison term shall be imposed for the offense. 2255

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

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

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

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

(b) If the amount of the drug involved equals or exceeds 2283
ten grams but is less than twenty grams, possession of a 2284
controlled substance analog is a felony of the fourth degree, 2285

and there is a presumption for a prison term for the offense. 2286

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

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

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

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

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

(a) Except as otherwise provided in division (C) (9) (b) of 2310
this section, the offender is guilty of possession of marihuana 2311
and shall be punished as provided in division (C) (3) of this 2312
section. Except as otherwise provided in division (C) (9) (b) of 2313
this section, the offender is not guilty of possession of a 2314

fentanyl-related compound under division (C) (11) of this section 2315
and shall not be charged with, convicted of, or punished under 2316
division (C) (11) of this section for possession of a fentanyl- 2317
related compound. 2318

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

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

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

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

(11) If the drug involved in the violation is a fentanyl- 2343

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

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

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

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

(d) If the amount of the drug involved equals or exceeds 2371
one hundred unit doses but is less than two hundred unit doses 2372
or equals or exceeds ten grams but is less than twenty grams, 2373

possession of a fentanyl-related compound is a felony of the 2374
second degree, and the court shall impose as a mandatory prison 2375
term one of the prison terms prescribed for a felony of the 2376
second degree. 2377

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

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

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

(D) Arrest or conviction for a minor misdemeanor violation 2398
of this section does not constitute a criminal record and need 2399
not be reported by the person so arrested or convicted in 2400
response to any inquiries about the person's criminal record, 2401
including any inquiries contained in any application for 2402
employment, license, or other right or privilege, or made in 2403

connection with the person's appearance as a witness. 2404

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

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

(b) Notwithstanding any contrary provision of section 2428
3719.21 of the Revised Code, the clerk of the court shall pay a 2429
mandatory fine or other fine imposed for a violation of this 2430
section pursuant to division (A) of section 2929.18 of the 2431
Revised Code in accordance with and subject to the requirements 2432
of division (F) of section 2925.03 of the Revised Code. The 2433

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

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

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

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

(F) It is an affirmative defense, as provided in section 2450
2901.05 of the Revised Code, to a charge of a fourth degree 2451
felony violation under this section that the controlled 2452
substance that gave rise to the charge is in an amount, is in a 2453
form, is prepared, compounded, or mixed with substances that are 2454
not controlled substances in a manner, or is possessed under any 2455
other circumstances, that indicate that the substance was 2456
possessed solely for personal use. Notwithstanding any contrary 2457
provision of this section, if, in accordance with section 2458
2901.05 of the Revised Code, an accused who is charged with a 2459
fourth degree felony violation of division (C) (2), (4), (5), or 2460
(6) of this section sustains the burden of going forward with 2461
evidence of and establishes by a preponderance of the evidence 2462
the affirmative defense described in this division, the accused 2463

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

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

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

(1) A controlled substance; 2479

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

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

(I) Any offender who received a mandatory suspension of 2486
the offender's driver's or commercial driver's license or permit 2487
under this section prior to September 13, 2016, may file a 2488
motion with the sentencing court requesting the termination of 2489
the suspension. However, an offender who pleaded guilty to or 2490
was convicted of a violation of section 4511.19 of the Revised 2491
Code or a substantially similar municipal ordinance or law of 2492

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Code; 2957

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~similar municipal ordinance or the law of another state or the
United States arising out of the same set of circumstances as
the violation, the court shall suspend the offender's driver's
or commercial driver's license or permit for not more than five
years. If~~ 3132
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If the offender is a professionally licensed person, in 3137
addition to any other sanction imposed for trafficking in 3138
harmful intoxicants, the court immediately shall comply with 3139
section 2925.38 of the Revised Code. 3140

If the offender has a driver's or commercial driver's
license or permit, section 2929.33 of the Revised Code applies. 3141
3142

(b) Any offender who received a mandatory suspension of 3143
the offender's driver's or commercial driver's license or permit 3144
under this section prior to ~~the effective date of this amendment~~ 3145
September 13, 2016, may file a motion with the sentencing court 3146
requesting the termination of the suspension. However, an 3147
offender who pleaded guilty to or was convicted of a violation 3148
of section 4511.19 of the Revised Code or a substantially 3149
similar municipal ordinance or law of another state or the 3150
United States that arose out of the same set of circumstances as 3151
the violation for which the offender's license or permit was 3152
suspended under this section shall not file such a motion. 3153

Upon the filing of a motion under division (D) (1) (b) of 3154
this section, the sentencing court, in its discretion, may 3155
terminate the suspension. 3156

(2) Whoever violates division (B) (4) (a) or (b) of this 3157
section is guilty of improperly dispensing or distributing 3158
nitrous oxide, a misdemeanor of the fourth degree. 3159

(E) It is an affirmative defense to a charge of a 3160

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the Revised Code. 3219

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~rule and that division.~~ 3538

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Code. 3718

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

section has occurred. 3806

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) Providing counseling for an habitual truant; 4039

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

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

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

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

or 3321.38 of the Revised Code. 4050

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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| corporation, the county and township in which that place is | 4261 |
| located. | 4262 |
| (b) In case the vehicle is not so used, the district of | 4263 |
| registration is the municipal corporation or county in which the | 4264 |
| owner resides at the time of making the application. | 4265 |
| (4) Whether the motor vehicle is a new or used motor | 4266 |
| vehicle; | 4267 |
| (5) The date of purchase of the motor vehicle; | 4268 |
| (6) Whether the fees required to be paid for the | 4269 |
| registration or transfer of the motor vehicle, during the | 4270 |
| preceding registration year and during the preceding period of | 4271 |
| the current registration year, have been paid. Each application | 4272 |
| for registration shall be signed by the owner, either manually | 4273 |
| or by electronic signature, or pursuant to obtaining a limited | 4274 |
| power of attorney authorized by the registrar for registration, | 4275 |
| or other document authorizing such signature. If the owner | 4276 |
| elects to apply for or renew the motor vehicle registration with | 4277 |
| the registrar by electronic means, the owner's manual signature | 4278 |
| is not required. | 4279 |
| (7) The owner's social security number, driver's license | 4280 |
| number, or state identification number, or, where a motor | 4281 |
| vehicle to be registered is used for hire or principally in | 4282 |
| connection with any established business, the owner's federal | 4283 |
| taxpayer identification number. The bureau of motor vehicles | 4284 |
| shall retain in its records all social security numbers provided | 4285 |
| under this section, but the bureau shall not place social | 4286 |
| security numbers on motor vehicle certificates of registration. | 4287 |
| (8) Whether the applicant wishes to certify willingness to | 4288 |
| make an anatomical gift if an applicant has not so certified | 4289 |

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the motor vehicle, if any. 4347

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(1) A uniform mileage schedule; 4518

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

any department transaction. 4709

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Revised Code. 4860

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

the applicant can retain a copy of it. 5006

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(a) Order the impoundment, with respect to the motor 5138
vehicle involved, required under division (A) (2) (d) of this 5139
section, of the certificate of registration and license plates 5140
of any owner who has violated division (A) (1) of this section;~~ 5141

~~(b)~~ Order the suspension required under division (A) (2) 5142
(a), (b), or (c) of this section of the license of any operator 5143
or owner who has violated division (A) (1) of this section; 5144

~~(e)~~ (b) Record the name and address of the person whose 5145
~~certificate of registration and license plates have been 5146
impounded or are under an order of impoundment, or whose license 5147
has been suspended or is under an order of suspension,~~ the 5148
~~serial number of the person's license; the serial numbers of the 5149
person's certificate of registration and license plates;~~ and 5150
the person's social security account number, if assigned, or, 5151
where the motor vehicle that is the subject of the violation is 5152
used for hire or principally in connection with any established 5153

business, the person's federal taxpayer identification number. 5154
The information shall be recorded in such a manner that it 5155
becomes a part of the person's permanent record, and assists the 5156
registrar in monitoring compliance with the orders of suspension 5157
~~or impoundment.~~ 5158

~~(d)~~ (c) Send written notification to every person to whom 5159
the order pertains, at the person's last known address as shown 5160
on the records of the bureau. The person, within ten days after 5161
the date of the mailing of the notification, shall surrender to 5162
the registrar, in a manner set forth in division (A) (4) of this 5163
section, ~~any certificate of registration and registration plates~~ 5164
~~under an order of impoundment, or any license under an order of~~ 5165
suspension. 5166

(2) The registrar shall issue any order under division (B) 5167
(1) of this section without a hearing. Any person adversely 5168
affected by the order, within ten days after the issuance of the 5169
order, may request an administrative hearing before the 5170
registrar, who shall provide the person with an opportunity for 5171
a hearing in accordance with this paragraph. A request for a 5172
hearing does not operate as a suspension of the order. The scope 5173
of the hearing shall be limited to whether the person in fact 5174
demonstrated to the registrar proof of financial responsibility 5175
in accordance with this section. The registrar shall determine 5176
the date, time, and place of any hearing, provided that the 5177
hearing shall be held, and an order issued or findings made, 5178
within thirty days after the registrar receives a request for a 5179
hearing. If requested by the person in writing, the registrar 5180
may designate as the place of hearing the county seat of the 5181
county in which the person resides or a place within fifty miles 5182
of the person's residence. The person shall pay the cost of the 5183
hearing before the registrar, if the registrar's order of 5184

suspension ~~or impoundment~~ is upheld. 5185

(C) Any order of suspension ~~or impoundment~~ issued under 5186
this section or division (B) of section 4509.37 of the Revised 5187
Code may be terminated at any time if the registrar determines 5188
upon a showing of proof of financial responsibility that the 5189
operator or owner of the motor vehicle was in compliance with 5190
division (A) (1) of this section at the time of the traffic 5191
offense, motor vehicle inspection, or accident that resulted in 5192
the order against the person. A determination may be made 5193
without a hearing. This division does not apply unless the 5194
person shows good cause for the person's failure to present 5195
satisfactory proof of financial responsibility to the registrar 5196
prior to the issuance of the order. 5197

(D) (1) (a) For the purpose of enforcing this section, every 5198
peace officer is deemed an agent of the registrar. 5199

(b) Any peace officer who, in the performance of the peace 5200
officer's duties as authorized by law, becomes aware of a person 5201
whose license is under an order of suspension, ~~or whose~~ 5202
~~certificate of registration and license plates are under an~~ 5203
~~order of impoundment,~~ pursuant to this section, may confiscate 5204
the license, ~~certificate of registration, and license plates,~~ 5205
and return ~~them~~ it to the registrar. 5206

(2) A peace officer shall request the owner or operator of 5207
a motor vehicle to produce proof of financial responsibility in 5208
a manner described in division (G) of this section at the time 5209
the peace officer acts to enforce the traffic laws of this state 5210
and during motor vehicle inspections conducted pursuant to 5211
section 4513.02 of the Revised Code. 5212

(3) A peace officer shall indicate on every traffic ticket 5213

whether the person receiving the traffic ticket produced proof 5214
of the maintenance of financial responsibility in response to 5215
the officer's request under division (D) (2) of this section. The 5216
peace officer shall inform every person who receives a traffic 5217
ticket and who has failed to produce proof of the maintenance of 5218
financial responsibility that the person must submit proof to 5219
the traffic violations bureau with any payment of a fine and 5220
costs for the ticketed violation or, if the person is to appear 5221
in court for the violation, the person must submit proof to the 5222
court. 5223

(4) (a) If a person who has failed to produce proof of the 5224
maintenance of financial responsibility appears in court for a 5225
ticketed violation, the court may permit the defendant to 5226
present evidence of proof of financial responsibility to the 5227
court at such time and in such manner as the court determines to 5228
be necessary or appropriate. In a manner prescribed by the 5229
registrar, the clerk of courts shall provide the registrar with 5230
the identity of any person who fails to submit proof of the 5231
maintenance of financial responsibility pursuant to division (D) 5232
(3) of this section. 5233

(b) If a person who has failed to produce proof of the 5234
maintenance of financial responsibility also fails to submit 5235
that proof to the traffic violations bureau with payment of a 5236
fine and costs for the ticketed violation, the traffic 5237
violations bureau, in a manner prescribed by the registrar, 5238
shall notify the registrar of the identity of that person. 5239

(5) (a) Upon receiving notice from a clerk of courts or 5240
traffic violations bureau pursuant to division (D) (4) of this 5241
section, the registrar shall order the suspension of the license 5242
of the person required under division (A) (2) (a), (b), or (c) of 5243

this section ~~and the impoundment of the person's certificate of~~ 5244
~~registration and license plates required under division (A) (2)~~ 5245
~~(d) of this section,~~ effective ~~thirty~~ forty-five days after the 5246
date of the mailing of notification. The registrar also shall 5247
notify the person that the person must present the registrar 5248
with proof of financial responsibility in accordance with this 5249
section, surrender to the registrar the person's ~~certificate of~~ 5250
~~registration, license plates, and license,~~ or submit a statement 5251
subject to section 2921.13 of the Revised Code that the person 5252
did not operate or permit the operation of the motor vehicle at 5253
the time of the offense. Notification shall be in writing and 5254
shall be sent to the person at the person's last known address 5255
as shown on the records of the bureau of motor vehicles. The 5256
person, within ~~fifteen~~ forty-five days after the date of the 5257
mailing of notification, shall present proof of financial 5258
responsibility, surrender the ~~certificate of registration,~~ 5259
~~license plates, and license~~ to the registrar in a manner set 5260
forth in division (A) (4) of this section, or submit the 5261
statement required under this section together with other 5262
information the person considers appropriate. 5263

If the registrar does not receive proof or the person does 5264
not surrender the ~~certificate of registration, license plates,~~ 5265
~~and license,~~ in accordance with this division, the registrar 5266
shall permit the order for the suspension of the license of the 5267
person and ~~the impoundment of the person's certificate of~~ 5268
~~registration and license plates~~ to take effect. 5269

(b) In the case of a person who presents, within the 5270
~~fifteen-day~~ forty-five-day period, proof of financial 5271
responsibility, the registrar shall terminate the order of 5272
suspension and ~~the impoundment of the registration and license~~ 5273
~~plates required under division (A) (2) (d) of this section~~ and 5274

shall send written notification to the person, at the person's 5275
last known address as shown on the records of the bureau. 5276

(c) Any person adversely affected by the order of the 5277
registrar under division (D) (5) (a) or (b) of this section, 5278
within ten days after the issuance of the order, may request an 5279
administrative hearing before the registrar, who shall provide 5280
the person with an opportunity for a hearing in accordance with 5281
this paragraph. A request for a hearing does not operate as a 5282
suspension of the order. The scope of the hearing shall be 5283
limited to whether, at the time of the hearing, the person 5284
presents proof of financial responsibility covering the vehicle 5285
and whether the person is eligible for an exemption in 5286
accordance with this section or any rule adopted under it. The 5287
registrar shall determine the date, time, and place of any 5288
hearing; provided, that the hearing shall be held, and an order 5289
issued or findings made, within thirty days after the registrar 5290
receives a request for a hearing. If requested by the person, 5291
the hearing may be held remotely by electronic means. If 5292
requested by the person in writing, the registrar may designate 5293
as the place of hearing the county seat of the county in which 5294
the person resides or a place within fifty miles of the person's 5295
residence. Such person shall pay the cost of the hearing before 5296
the registrar, if the registrar's order of suspension ~~or~~ 5297
~~impoundment~~ under division (D) (5) (a) or (b) of this section is 5298
upheld. 5299

~~(6) A peace officer may charge an owner or operator of a 5300
motor vehicle with a violation of section 4510.16 of the Revised 5301
Code when the owner or operator fails to show proof of the 5302
maintenance of financial responsibility pursuant to a peace 5303
officer's request under division (D) (2) of this section, if a 5304
check of the owner or operator's driving record indicates that 5305~~

~~the owner or operator, at the time of the operation of the motor
vehicle, is required to file and maintain proof of financial
responsibility under section 4509.45 of the Revised Code for a
previous violation of this chapter.~~

~~(7)~~ Any forms used by law enforcement agencies in
administering this section shall be prescribed, supplied, and
paid for by the registrar.

~~(8)~~ (7) No peace officer, law enforcement agency employing
a peace officer, or political subdivision or governmental agency
that employs a peace officer shall be liable in a civil action
for damages or loss to persons arising out of the performance of
any duty required or authorized by this section.

~~(9)~~ (8) As used in this section, "peace officer" has the
meaning set forth in section 2935.01 of the Revised Code.

(E) All fees, except court costs, fees paid to a deputy
registrar, and those portions of the financial responsibility
reinstatement fees as otherwise specified in this division,
collected under this section shall be paid into the state
treasury to the credit of the public safety - highway purposes
fund established in section 4501.06 of the Revised Code and used
to cover costs incurred by the bureau in the administration of
this section and sections 4503.20, 4507.212, and 4509.81 of the
Revised Code, and by any law enforcement agency employing any
peace officer who returns any license, ~~certificate of~~
~~registration, and license plates~~ to the registrar pursuant to
division (C) of this section.

Of each financial responsibility reinstatement fee the
registrar collects pursuant to division (A) (5) (a) of this
section or receives from a deputy registrar under division ~~(A)~~

~~(5) (d) (A) (5) (c)~~ of this section, the registrar shall deposit 5335
ten dollars into the state treasury to the credit of the 5336
indigent defense support fund created by section 120.08 of the 5337
Revised Code. 5338

(F) Chapter 119. of the Revised Code applies to this 5339
section only to the extent that any provision in that chapter is 5340
not clearly inconsistent with this section. 5341

(G) (1) (a) The registrar, court, traffic violations bureau, 5342
or peace officer may require proof of financial responsibility 5343
to be demonstrated by use of a standard form prescribed by the 5344
registrar. If the use of a standard form is not required, a 5345
person may demonstrate proof of financial responsibility under 5346
this section by presenting to the traffic violations bureau, 5347
court, registrar, or peace officer any of the following 5348
documents or a copy of the documents: 5349

(i) A financial responsibility identification card as 5350
provided in section 4509.103 of the Revised Code; 5351

(ii) A certificate of proof of financial responsibility on 5352
a form provided and approved by the registrar for the filing of 5353
an accident report required to be filed under section 4509.06 of 5354
the Revised Code; 5355

(iii) A policy of liability insurance, a declaration page 5356
of a policy of liability insurance, or liability bond, if the 5357
policy or bond complies with section 4509.20 or sections 4509.49 5358
to 4509.61 of the Revised Code; 5359

(iv) A bond or certification of the issuance of a bond as 5360
provided in section 4509.59 of the Revised Code; 5361

(v) A certificate of deposit of money or securities as 5362
provided in section 4509.62 of the Revised Code; 5363

| | |
|--|------|
| (vi) A certificate of self-insurance as provided in | 5364 |
| section 4509.72 of the Revised Code. | 5365 |
| (b) A person also may present proof of financial | 5366 |
| responsibility under this section to the traffic violations | 5367 |
| bureau, court, registrar, or peace officer through use of an | 5368 |
| electronic wireless communications device as specified under | 5369 |
| section 4509.103 of the Revised Code. | 5370 |
| (2) If a person fails to demonstrate proof of financial | 5371 |
| responsibility in a manner described in division (G)(1) of this | 5372 |
| section, the person may demonstrate proof of financial | 5373 |
| responsibility under this section by any other method that the | 5374 |
| court or the bureau, by reason of circumstances in a particular | 5375 |
| case, may consider appropriate. | 5376 |
| (3) A motor carrier certificated by the interstate | 5377 |
| commerce commission or by the public utilities commission may | 5378 |
| demonstrate proof of financial responsibility by providing a | 5379 |
| statement designating the motor carrier's operating authority | 5380 |
| and averring that the insurance coverage required by the | 5381 |
| certificating authority is in full force and effect. | 5382 |
| (4) (a) A finding by the registrar or court that a person | 5383 |
| is covered by proof of financial responsibility in the form of | 5384 |
| an insurance policy or surety bond is not binding upon the named | 5385 |
| insurer or surety or any of its officers, employees, agents, or | 5386 |
| representatives and has no legal effect except for the purpose | 5387 |
| of administering this section. | 5388 |
| (b) The preparation and delivery of a financial | 5389 |
| responsibility identification card or any other document | 5390 |
| authorized to be used as proof of financial responsibility and | 5391 |
| the generation and delivery of proof of financial responsibility | 5392 |

to an electronic wireless communications device that is 5393
displayed on the device as text or images does not do any of the 5394
following: 5395

(i) Create any liability or estoppel against an insurer or 5396
surety, or any of its officers, employees, agents, or 5397
representatives; 5398

(ii) Constitute an admission of the existence of, or of 5399
any liability or coverage under, any policy or bond; 5400

(iii) Waive any defenses or counterclaims available to an 5401
insurer, surety, agent, employee, or representative in an action 5402
commenced by an insured or third-party claimant upon a cause of 5403
action alleged to have arisen under an insurance policy or 5404
surety bond or by reason of the preparation and delivery of a 5405
document for use as proof of financial responsibility or the 5406
generation and delivery of proof of financial responsibility to 5407
an electronic wireless communications device. 5408

(c) Whenever it is determined by a final judgment in a 5409
judicial proceeding that an insurer or surety, which has been 5410
named on a document or displayed on an electronic wireless 5411
communications device accepted by a court or the registrar as 5412
proof of financial responsibility covering the operation of a 5413
motor vehicle at the time of an accident or offense, is not 5414
liable to pay a judgment for injuries or damages resulting from 5415
such operation, the registrar, notwithstanding any previous 5416
contrary finding, shall forthwith suspend the operating 5417
privileges and registration rights of the person against whom 5418
the judgment was rendered as provided in division (A) (2) of this 5419
section. 5420

(H) In order for any document or display of text or images 5421

on an electronic wireless communications device described in 5422
division (G) (1) of this section to be used for the demonstration 5423
of proof of financial responsibility under this section, the 5424
document or words or images shall state the name of the insured 5425
or obligor, the name of the insurer or surety company, and the 5426
effective and expiration dates of the financial responsibility, 5427
and designate by explicit description or by appropriate 5428
reference all motor vehicles covered which may include a 5429
reference to fleet insurance coverage. 5430

(I) For purposes of this section, "owner" does not include 5431
a licensed motor vehicle leasing dealer as defined in section 5432
4517.01 of the Revised Code, but does include a motor vehicle 5433
renting dealer as defined in section 4549.65 of the Revised 5434
Code. Nothing in this section or in section 4509.51 of the 5435
Revised Code shall be construed to prohibit a motor vehicle 5436
renting dealer from entering into a contractual agreement with a 5437
person whereby the person renting the motor vehicle agrees to be 5438
solely responsible for maintaining proof of financial 5439
responsibility, in accordance with this section, with respect to 5440
the operation, maintenance, or use of the motor vehicle during 5441
the period of the motor vehicle's rental. 5442

(J) The purpose of this section is to require the 5443
maintenance of proof of financial responsibility with respect to 5444
the operation of motor vehicles on the highways of this state, 5445
so as to minimize those situations in which persons are not 5446
compensated for injuries and damages sustained in motor vehicle 5447
accidents. The general assembly finds that this section contains 5448
reasonable civil penalties and procedures for achieving this 5449
purpose. 5450

(K) Nothing in this section shall be construed to be 5451

subject to section 4509.78 of the Revised Code. 5452

(L) (1) The registrar may terminate any suspension imposed 5453
under this section and not require the owner to comply with 5454
~~divisions (A) (5) (a), (b), and (c)~~division (A) (5) of this section 5455
if the registrar with or without a hearing determines that the 5456
owner of the vehicle has established by clear and convincing 5457
evidence that all of the following apply: 5458

(a) The owner customarily maintains proof of financial 5459
responsibility. 5460

(b) Proof of financial responsibility was not in effect 5461
for the vehicle on the date in question for one of the following 5462
reasons: 5463

(i) The vehicle was inoperable. 5464

(ii) The vehicle is operated only seasonally, and the date 5465
in question was outside the season of operation. 5466

(iii) A person other than the vehicle owner or driver was 5467
at fault for the lapse of proof of financial responsibility 5468
through no fault of the owner or driver. 5469

(iv) The lapse of proof of financial responsibility was 5470
caused by excusable neglect under circumstances that are not 5471
likely to recur and do not suggest a purpose to evade the 5472
requirements of this chapter. 5473

(2) The registrar may grant an owner or driver relief for 5474
a reason specified in division (L) (1) (b) (iii) or (iv) of this 5475
section only if the owner or driver has not previously been 5476
granted relief under division (L) (1) (b) (iii) or (iv) of this 5477
section. 5478

(M) The registrar shall adopt rules in accordance with 5479

Chapter 119. of the Revised Code that are necessary to 5480
administer and enforce this section. The rules shall include 5481
~~procedures for the surrender of license plates upon failure to~~ 5482
~~maintain proof of financial responsibility and provisions~~ 5483
relating to reinstatement of registration rights, acceptable 5484
forms of proof of financial responsibility, the use of an 5485
electronic wireless communications device to present proof of 5486
financial responsibility, and verification of the existence of 5487
financial responsibility during the period of registration. 5488

(N) (1) When a person utilizes an electronic wireless 5489
communications device to present proof of financial 5490
responsibility, only the evidence of financial responsibility 5491
displayed on the device shall be viewed by the registrar, peace 5492
officer, employee or official of the traffic violations bureau, 5493
or the court. No other content of the device shall be viewed for 5494
purposes of obtaining proof of financial responsibility. 5495

(2) When a person provides an electronic wireless 5496
communications device to the registrar, a peace officer, an 5497
employee or official of a traffic violations bureau, or the 5498
court, the person assumes the risk of any resulting damage to 5499
the device unless the registrar, peace officer, employee, or 5500
official, or court personnel purposely, knowingly, or recklessly 5501
commits an action that results in damage to the device. 5502

Sec. 4509.45. (A) As used in this section, "electronic 5503
wireless communications device" has the same meaning as in 5504
section 4509.103 of the Revised Code. 5505

(B) Proof of financial responsibility when required under 5506
section 4509.101, 4509.33, 4509.34, 4509.38, 4509.40, 4509.42, 5507
4509.44, or 4510.038 of the Revised Code may be given by filing 5508
and maintaining any of the following: 5509

| | |
|---|------|
| (1) A financial responsibility identification card as | 5510 |
| provided in section 4509.104 of the Revised Code; | 5511 |
| (2) A certificate of insurance as provided in section | 5512 |
| 4509.46 or 4509.47 of the Revised Code; | 5513 |
| (3) A bond as provided in section 4509.59 of the Revised | 5514 |
| Code; | 5515 |
| (4) A certificate of deposit of money or securities as | 5516 |
| provided in section 4509.62 of the Revised Code; | 5517 |
| (5) A certificate of self-insurance, as provided in | 5518 |
| section 4509.72 of the Revised Code, supplemented by an | 5519 |
| agreement by the self-insurer that, with respect to accidents | 5520 |
| occurring while the certificate is in force, the self-insurer | 5521 |
| will pay the same amounts that an insurer would have been | 5522 |
| obligated to pay under an owner's motor vehicle liability policy | 5523 |
| if it had issued such a policy to the self-insurer. | 5524 |
| (C) When proof of financial responsibility is required to | 5525 |
| be given under section 4509.101 of the Revised Code, such proof | 5526 |
| also may be given through use of an electronic wireless | 5527 |
| communications device as provided in that section. | 5528 |
| (D) Proof under division (B) of this section shall be | 5529 |
| filed and maintained for five years <u>one year</u> from the date of | 5530 |
| the registrar's imposition of a class A, B, or C suspension of | 5531 |
| operating privileges and shall be filed and maintained for three | 5532 |
| years from the date of the registrar's imposition of a class D, | 5533 |
| E, or F suspension of operating privileges. Proof of financial | 5534 |
| responsibility that is required to be filed and maintained with | 5535 |
| the registrar during a period of suspension of operating | 5536 |
| privileges described in this division shall not be given through | 5537 |
| the use of an electronic wireless communications device. | 5538 |

Sec. 4509.66. Whenever any proof of financial 5539
responsibility filed under sections 4509.01 to 4509.78, 5540
inclusive, of the Revised Code, no longer fulfills the purposes 5541
for which required, the registrar of motor vehicles shall 5542
require other proof and shall suspend the license ~~and~~ 5543
~~registration~~ or the nonresident's operating privilege pending 5544
the filing of such other proof. 5545

Sec. 4509.67. (A) The registrar of motor vehicles shall, 5546
upon request, consent to the immediate cancellation of any bond 5547
or certificate of insurance, return to the person entitled any 5548
money deposited under sections 4509.01 to 4509.78 of the Revised 5549
Code, as proof of financial responsibility, or waive the 5550
requirement of filing proof, in any of the following events: 5551

(1) At any time after ~~three years~~ one year from the date 5552
such proof was required when, during the ~~three years~~ one year 5553
preceding the request, the registrar has not received record of 5554
a conviction or bail forfeiture which would require or permit 5555
the suspension or revocation of the license, ~~registration~~ or 5556
nonresident's operating privilege of the person by or for whom 5557
such proof was furnished ~~and the person's motor vehicle~~ 5558
~~registration has not been suspended for a violation of section~~ 5559
~~4509.101 of the Revised Code;~~ 5560

(2) In the event of the death of the person on whose 5561
behalf such proof was filed or the permanent incapacity of such 5562
person to operate a motor vehicle; 5563

(3) In the event the person who has given proof surrenders 5564
the person's license ~~and registration~~ to the registrar. 5565

(B) The registrar shall not consent to the cancellation of 5566
any bond or the return of any money if any action for damages 5567

upon a liability covered by such proof is pending, or any 5568
judgment upon any such liability is unsatisfied, or in the event 5569
the person who has filed such bond or deposited such money has 5570
within two years immediately preceding such request been 5571
involved as a driver or owner in any motor vehicle accident 5572
resulting in injury to the person or property of others. An 5573
affidavit of the applicant as to the nonexistence of such facts, 5574
or that the applicant has been released from all liability, or 5575
has been finally adjudicated not liable, for such injury may be 5576
accepted as evidence thereof in the absence of evidence to the 5577
contrary in the records of the registrar. 5578

(C) Whenever any person whose proof has been canceled or 5579
returned under division (A) (3) of this section applies for a 5580
license ~~or registration~~ within a period of ~~three years~~ one year 5581
from the date proof was originally required, any such 5582
application shall be refused unless the applicant re-establishes 5583
proof of financial responsibility for the remainder of the 5584
~~three year~~ one-year period. 5585

Sec. 4509.69. Any person whose license ~~or registration~~ has 5586
been suspended, or whose policy of insurance or bond has been 5587
canceled or terminated, or who neglects to furnish other proof 5588
of financial responsibility upon request of the registrar of 5589
motor vehicles, shall immediately return his the person's 5590
license ~~and registration including the registration plates~~ to 5591
the registrar. 5592

Sec. 4509.77. (A) No person shall willfully fail to return 5593
a license ~~or registration~~ as required in section 4509.69 of the 5594
Revised Code. 5595

(B) Whoever violates this section shall be fined not more 5596
than five hundred dollars, imprisoned for not more than thirty 5597

days, or both. 5598

Sec. 4510.101. As used in sections 4510.101 to ~~4510.107~~ 5599
4510.108 of the Revised Code: 5600

(A) "Eligible offense" means an offense under any of the 5601
following Revised Code sections if the offense, an essential 5602
element of the offense, the basis of the charge, or any 5603
underlying offense did not involve alcohol, a drug of abuse, 5604
combination thereof, or a deadly weapon: ~~2151.354, 2152.19,~~ 5605

(1) Sections 2151.354, 2152.19, 2152.21, 2913.02, 4507.20, 5606
4509.101, 4509.17, 4509.24, 4509.40, 4510.037, 4510.05, 4510.06, 5607
4510.15, 4510.22, 4510.23, 4510.31, ~~4510.32,~~ 4511.203, 4511.205, 5608
4511.251, 4511.75, 4549.02, 4549.021, and 5743.99 of the Revised 5609
Code. 5610

(2) Section 4510.32 of the Revised Code for a driver's 5611
license suspension imposed prior to the effective date of this 5612
amendment. 5613

(B) "Deadly weapon" has the same meaning as in section 5614
2923.11 of the Revised Code. 5615

(C) "Drug of abuse" has the same meaning as in section 5616
4511.181 of the Revised Code. 5617

(D) "Complete amnesty" means a waiver of reinstatement 5618
fees. 5619

(E) "Driver's license or permit" does not include a 5620
commercial driver's license or permit. 5621

(F) "Indigent" means a person who is a participant in any 5622
of the following programs: 5623

(1) The supplemental nutrition assistance program 5624

administered by the department of job and family services 5625
pursuant to section 5101.54 of the Revised Code; 5626

(2) The medicaid program pursuant to Chapter 5163. of the 5627
Revised Code; 5628

(3) The Ohio works first program administered by the 5629
department of job and family services pursuant to section 5630
5107.10 of the Revised Code; 5631

(4) The supplemental security income program pursuant to 5632
20 C.F.R. 416.1100; 5633

(5) The United States department of veterans affairs 5634
pension benefit program pursuant to 38 U.S.C. 1521. 5635

(G) "Permanent driver's license reinstatement fee debt 5636
reduction and amnesty program" or "program" means the program 5637
established in section 4510.102 of the Revised Code and 5638
administered by the director of public safety. 5639

Sec. 4510.111. (A) No person shall operate any motor 5640
vehicle upon a highway or any public or private property used by 5641
the public for purposes of vehicular travel or parking in this 5642
state whose driver's or commercial driver's license has been 5643
suspended pursuant to section 2151.354, ~~2151.87~~, 2935.27, 5644
3123.58, 4301.99, 4510.032, 4510.22, or 4510.33 of the Revised 5645
Code. 5646

(B) Upon the request or motion of the prosecuting 5647
authority, a noncertified copy of the law enforcement automated 5648
data system report or a noncertified copy of a record of the 5649
registrar of motor vehicles that shows the name, date of birth, 5650
and social security number of a person charged with a violation 5651
of division (A) of this section may be admitted into evidence as 5652
prima-facie evidence that the license of the person was under 5653

suspension at the time of the alleged violation of division (A) 5654
of this section. The person charged with a violation of division 5655
(A) of this section may offer evidence to rebut this prima-facie 5656
evidence. 5657

(C) Whoever violates division (A) of this section is 5658
guilty of driving under suspension, and shall be punished as 5659
provided in division (C) (1) or (2) of this section. 5660

(1) Except as otherwise provided in division (C) (2) of 5661
this section, the offense is an unclassified misdemeanor. The 5662
offender shall be sentenced pursuant to sections 2929.21 to 5663
2929.28 of the Revised Code, except that the offender shall not 5664
be sentenced to a jail term; the offender shall not be sentenced 5665
to a community residential sanction pursuant to section 2929.26 5666
of the Revised Code; notwithstanding division (A) (2) (a) of 5667
section 2929.28 of the Revised Code, the offender may be fined 5668
up to one thousand dollars; and, notwithstanding division (A) (3) 5669
of section 2929.27 of the Revised Code, the offender may be 5670
ordered pursuant to division (C) of that section to serve a term 5671
of community service of up to five hundred hours. The failure of 5672
an offender to complete a term of community service imposed by 5673
the court may be punished as indirect criminal contempt under 5674
division (A) of section 2705.02 of the Revised Code that may be 5675
filed in the underlying case. 5676

(2) If, within three years of the offense, the offender 5677
previously was convicted of or pleaded guilty to two or more 5678
violations of division (A) of this section, or any combination 5679
of two or more violations of division (A) of this section or 5680
section 4510.11 or 4510.16 of the Revised Code, or a 5681
substantially equivalent municipal ordinance, the offense is a 5682
misdemeanor of the fourth degree, and the offender shall provide 5683

the court with proof of financial responsibility as defined in 5684
section 4509.01 of the Revised Code. If the offender fails to 5685
provide that proof of financial responsibility, then in addition 5686
to any other penalties provided by law, the court may order 5687
restitution pursuant to section 2929.28 of the Revised Code in 5688
an amount not exceeding five thousand dollars for any economic 5689
loss arising from an accident or collision that was the direct 5690
and proximate result of the offender's operation of the vehicle 5691
before, during, or after committing the offense for which the 5692
offender is sentenced under this section. 5693

Sec. 4510.16. (A) No person, whose driver's or commercial 5694
driver's license or temporary instruction permit or 5695
nonresident's operating privilege has been suspended or canceled 5696
pursuant to Chapter 4509. of the Revised Code, shall operate any 5697
motor vehicle within this state, or knowingly permit any motor 5698
vehicle owned by the person to be operated by another person in 5699
the state, during the period of the suspension or cancellation, 5700
except as specifically authorized by Chapter 4509. of the 5701
Revised Code. ~~No person shall operate a motor vehicle within~~ 5702
~~this state, or knowingly permit any motor vehicle owned by the~~ 5703
~~person to be operated by another person in the state, during the~~ 5704
~~period in which the person is required by section 4509.45 of the~~ 5705
~~Revised Code to file and maintain proof of financial~~ 5706
~~responsibility for a violation of section 4509.101 of the~~ 5707
~~Revised Code, unless proof of financial responsibility is~~ 5708
~~maintained with respect to that vehicle.~~ 5709

(B) No person shall operate any motor vehicle upon a 5710
highway or any public or private property used by the public for 5711
purposes of vehicular travel or parking in this state if the 5712
person's driver's or commercial driver's license or temporary 5713
instruction permit or nonresident operating privilege has been 5714

suspended pursuant to section 4509.37 or 4509.40 of the Revised Code for nonpayment of a judgment. 5715
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(C) Upon the request or motion of the prosecuting authority, a noncertified copy of the law enforcement automated data system report or a noncertified copy of a record of the registrar of motor vehicles that shows the name, date of birth, and social security number of a person charged with a violation of division (A) or (B) of this section may be admitted into evidence as prima-facie evidence that the license of the person was under either a financial responsibility law suspension at the time of the alleged violation of division (A) of this section or a nonpayment of judgment suspension at the time of the alleged violation of division (B) of this section. The person charged with a violation of division (A) or (B) of this section may offer evidence to rebut this prima-facie evidence. 5717
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(D) Whoever violates division (A) of this section is guilty of driving under financial responsibility law suspension or cancellation and shall be punished as provided in divisions ~~(D)~~ (D) (1) to ~~(F)~~ (3) of this section. Whoever violates division (B) of this section is guilty of driving under a nonpayment of judgment suspension and shall be punished as provided in divisions ~~(D)~~ (D) (1) to ~~(F)~~ (3) of this section. 5730
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(1) Except as otherwise provided in division (D) (2) of this section, the offense is an unclassified misdemeanor. When the offense is an unclassified misdemeanor, the offender shall be sentenced pursuant to sections 2929.21 to 2929.28 of the Revised Code, except that the offender shall not be sentenced to a jail term; the offender shall not be sentenced to a community residential sanction pursuant to section 2929.26 of the Revised Code; notwithstanding division (A) (2) (a) of section 2929.28 of 5737
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the Revised Code, the offender may be fined up to one thousand 5745
dollars; and, notwithstanding division (A) (3) of section 2929.27 5746
of the Revised Code, the offender may be ordered pursuant to 5747
division (C) of that section to serve a term of community 5748
service of up to five hundred hours. The failure of an offender 5749
to complete a term of community service imposed by the court may 5750
be punished as indirect criminal contempt under division (A) of 5751
section 2705.02 of the Revised Code that may be filed in the 5752
underlying case. 5753

(2) If, within three years of the offense, the offender 5754
previously was convicted of or pleaded guilty to two or more 5755
violations of this section, or any combination of two violations 5756
of this section or section 4510.11 or 4510.111 of the Revised 5757
Code, or a substantially equivalent municipal ordinance, the 5758
offense is a misdemeanor of the fourth degree. 5759

(3) The offender shall provide the court with proof of 5760
financial responsibility as defined in section 4509.01 of the 5761
Revised Code. If the offender fails to provide that proof of 5762
financial responsibility, then in addition to any other 5763
penalties provided by law, the court may order restitution 5764
pursuant to section 2929.28 of the Revised Code in an amount not 5765
exceeding five thousand dollars for any economic loss arising 5766
from an accident or collision that was the direct and proximate 5767
result of the offender's operation of the vehicle before, 5768
during, or after committing the offense for which the offender 5769
is sentenced under this section. 5770

Sec. 4510.17. (A) The registrar of motor vehicles shall 5771
impose a class D suspension of the person's driver's license, 5772
commercial driver's license, temporary instruction permit, 5773
probationary license, or nonresident operating privilege for the 5774

period of time specified in division (B) (4) of section 4510.02 5775
of the Revised Code on any person who is a resident of this 5776
state and is convicted of or pleads guilty to a violation of a 5777
statute of any other state or any federal statute that is 5778
substantially similar to section 2925.02, 2925.03, 2925.04, 5779
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 5780
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 5781
2925.37 of the Revised Code, provided that the person's license, 5782
permit, or privilege is required to be suspended had the offense 5783
occurred in this state. Upon receipt of a report from a court, 5784
court clerk, or other official of any other state or from any 5785
federal authority that a resident of this state was convicted of 5786
or pleaded guilty to an offense described in this division, the 5787
registrar shall send a notice by regular first class mail to the 5788
person, at the person's last known address as shown in the 5789
records of the bureau of motor vehicles, informing the person of 5790
the suspension, that the suspension will take effect twenty-one 5791
days from the date of the notice, and that, if the person wishes 5792
to appeal the suspension or denial, the person must file a 5793
notice of appeal within twenty-one days of the date of the 5794
notice requesting a hearing on the matter. If the person 5795
requests a hearing, the registrar shall hold the hearing not 5796
more than forty days after receipt by the registrar of the 5797
notice of appeal. The filing of a notice of appeal does not stay 5798
the operation of the suspension that must be imposed pursuant to 5799
this division. The scope of the hearing shall be limited to 5800
whether the person actually was convicted of or pleaded guilty 5801
to the offense for which the suspension is to be imposed. 5802

The suspension the registrar is required to impose under 5803
this division shall end either on the last day of the class D 5804
suspension period or of the suspension of the person's 5805

nonresident operating privilege imposed by the state or federal 5806
court, whichever is earlier. 5807

The registrar shall subscribe to or otherwise participate 5808
in any information system or register, or enter into reciprocal 5809
and mutual agreements with other states and federal authorities, 5810
in order to facilitate the exchange of information with other 5811
states and the United States government regarding persons who 5812
plead guilty to or are convicted of offenses described in this 5813
division and therefore are subject to the suspension or denial 5814
described in this division. 5815

(B) The registrar shall impose a class D suspension of the 5816
person's driver's license, commercial driver's license, 5817
temporary instruction permit, probationary license, or 5818
nonresident operating privilege for the period of time specified 5819
in division (B) (4) of section 4510.02 of the Revised Code on any 5820
person who is a resident of this state and is convicted of or 5821
pleads guilty to a violation of a statute of any other state or 5822
a municipal ordinance of a municipal corporation located in any 5823
other state that is substantially similar to section 4511.19 of 5824
the Revised Code. Upon receipt of a report from another state 5825
made pursuant to section 4510.61 of the Revised Code indicating 5826
that a resident of this state was convicted of or pleaded guilty 5827
to an offense described in this division, the registrar shall 5828
send a notice by regular first class mail to the person, at the 5829
person's last known address as shown in the records of the 5830
bureau of motor vehicles, informing the person of the 5831
suspension, that the suspension or denial will take effect 5832
twenty-one days from the date of the notice, and that, if the 5833
person wishes to appeal the suspension, the person must file a 5834
notice of appeal within twenty-one days of the date of the 5835
notice requesting a hearing on the matter. If the person 5836

requests a hearing, the registrar shall hold the hearing not 5837
more than forty days after receipt by the registrar of the 5838
notice of appeal. The filing of a notice of appeal does not stay 5839
the operation of the suspension that must be imposed pursuant to 5840
this division. The scope of the hearing shall be limited to 5841
whether the person actually was convicted of or pleaded guilty 5842
to the offense for which the suspension is to be imposed. 5843

The suspension the registrar is required to impose under 5844
this division shall end either on the last day of the class D 5845
suspension period or of the suspension of the person's 5846
nonresident operating privilege imposed by the state or federal 5847
court, whichever is earlier. 5848

(C) The registrar shall impose a class D suspension of the 5849
child's driver's license, commercial driver's license, temporary 5850
instruction permit, or nonresident operating privilege for the 5851
period of time specified in division (B) (4) of section 4510.02 5852
of the Revised Code on any child who is a resident of this state 5853
and is convicted of or pleads guilty to a violation of a statute 5854
of any other state or any federal statute that is substantially 5855
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 5856
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 5857
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 5858
Code, provided the child's license, permit, or privilege is 5859
required to be suspended had the offense occurred in this state. 5860
Upon receipt of a report from a court, court clerk, or other 5861
official of any other state or from any federal authority that a 5862
child who is a resident of this state was convicted of or 5863
pleaded guilty to an offense described in this division, the 5864
registrar shall send a notice by regular first class mail to the 5865
child, at the child's last known address as shown in the records 5866
of the bureau of motor vehicles, informing the child of the 5867

suspension, that the suspension or denial will take effect 5868
twenty-one days from the date of the notice, and that, if the 5869
child wishes to appeal the suspension, the child must file a 5870
notice of appeal within twenty-one days of the date of the 5871
notice requesting a hearing on the matter. If the child requests 5872
a hearing, the registrar shall hold the hearing not more than 5873
forty days after receipt by the registrar of the notice of 5874
appeal. The filing of a notice of appeal does not stay the 5875
operation of the suspension that must be imposed pursuant to 5876
this division. The scope of the hearing shall be limited to 5877
whether the child actually was convicted of or pleaded guilty to 5878
the offense for which the suspension is to be imposed. 5879

The suspension the registrar is required to impose under 5880
this division shall end either on the last day of the class D 5881
suspension period or of the suspension of the child's 5882
nonresident operating privilege imposed by the state or federal 5883
court, whichever is earlier. If the child is a resident of this 5884
state who is sixteen years of age or older and does not have a 5885
current, valid Ohio driver's or commercial driver's license or 5886
permit, the notice shall inform the child that the child will be 5887
denied issuance of a driver's or commercial driver's license or 5888
permit for six months beginning on the date of the notice. If 5889
the child has not attained the age of sixteen years on the date 5890
of the notice, the notice shall inform the child that the period 5891
of denial of six months shall commence on the date the child 5892
attains the age of sixteen years. 5893

The registrar shall subscribe to or otherwise participate 5894
in any information system or register, or enter into reciprocal 5895
and mutual agreements with other states and federal authorities, 5896
in order to facilitate the exchange of information with other 5897
states and the United States government regarding children who 5898

are residents of this state and plead guilty to or are convicted 5899
of offenses described in this division and therefore are subject 5900
to the suspension or denial described in this division. 5901

(D) The registrar shall impose a class D suspension of the 5902
child's driver's license, commercial driver's license, temporary 5903
instruction permit, probationary license, or nonresident 5904
operating privilege for the period of time specified in division 5905
(B) (4) of section 4510.02 of the Revised Code on any child who 5906
is a resident of this state and is convicted of or pleads guilty 5907
to a violation of a statute of any other state or a municipal 5908
ordinance of a municipal corporation located in any other state 5909
that is substantially similar to section 4511.19 of the Revised 5910
Code. Upon receipt of a report from another state made pursuant 5911
to section 4510.61 of the Revised Code indicating that a child 5912
who is a resident of this state was convicted of or pleaded 5913
guilty to an offense described in this division, the registrar 5914
shall send a notice by regular first class mail to the child, at 5915
the child's last known address as shown in the records of the 5916
bureau of motor vehicles, informing the child of the suspension, 5917
that the suspension will take effect twenty-one days from the 5918
date of the notice, and that, if the child wishes to appeal the 5919
suspension, the child must file a notice of appeal within 5920
twenty-one days of the date of the notice requesting a hearing 5921
on the matter. If the child requests a hearing, the registrar 5922
shall hold the hearing not more than forty days after receipt by 5923
the registrar of the notice of appeal. The filing of a notice of 5924
appeal does not stay the operation of the suspension that must 5925
be imposed pursuant to this division. The scope of the hearing 5926
shall be limited to whether the child actually was convicted of 5927
or pleaded guilty to the offense for which the suspension is to 5928
be imposed. 5929

The suspension the registrar is required to impose under 5930
this division shall end either on the last day of the class D 5931
suspension period or of the suspension of the child's 5932
nonresident operating privilege imposed by the state or federal 5933
court, whichever is earlier. If the child is a resident of this 5934
state who is sixteen years of age or older and does not have a 5935
current, valid Ohio driver's or commercial driver's license or 5936
permit, the notice shall inform the child that the child will be 5937
denied issuance of a driver's or commercial driver's license or 5938
permit for six months beginning on the date of the notice. If 5939
the child has not attained the age of sixteen years on the date 5940
of the notice, the notice shall inform the child that the period 5941
of denial of six months shall commence on the date the child 5942
attains the age of sixteen years. 5943

(E) (1) Any person whose license or permit has been 5944
suspended pursuant to this section may file a petition in the 5945
municipal or county court, or in case the person is under 5946
eighteen years of age, the juvenile court, in whose jurisdiction 5947
the person resides, requesting limited driving privileges and 5948
agreeing to pay the cost of the proceedings. Except as provided 5949
in division (E) (2) or (3) of this section, the judge may grant 5950
the person limited driving privileges during the period during 5951
which the suspension otherwise would be imposed for any of the 5952
purposes set forth in division (A) of section 4510.021 of the 5953
Revised Code. 5954

(2) No judge shall grant limited driving privileges for 5955
employment as a driver of a commercial motor vehicle to any 5956
person who would be disqualified from operating a commercial 5957
motor vehicle under section 4506.16 of the Revised Code if the 5958
violation had occurred in this state. Further, no judge shall 5959
grant limited driving privileges during any of the following 5960

periods of time: 5961

(a) The first fifteen days of a suspension under division 5962
(B) or (D) of this section, if the person has not been convicted 5963
within ten years of the date of the offense giving rise to the 5964
suspension under this section of a violation of any of the 5965
following: 5966

(i) Division (A) of section 4511.19 of the Revised Code, 5967
or a municipal ordinance relating to operating a vehicle while 5968
under the influence of alcohol, a drug of abuse, or alcohol and 5969
a drug of abuse; 5970

(ii) A municipal ordinance relating to operating a motor 5971
vehicle with a prohibited concentration of alcohol, a controlled 5972
substance, or a metabolite of a controlled substance in the 5973
whole blood, blood serum or plasma, breath, or urine; 5974

(iii) Section 2903.04 of the Revised Code in a case in 5975
which the person was subject to the sanctions described in 5976
division (D) of that section; 5977

(iv) Division (A) (1) of section 2903.06 or division (A) (1) 5978
of section 2903.08 of the Revised Code or a municipal ordinance 5979
that is substantially similar to either of those divisions; 5980

(v) Division (A) (2), (3), or (4) of section 2903.06, 5981
division (A) (2) of section 2903.08, or as it existed prior to 5982
March 23, 2000, section 2903.07 of the Revised Code, or a 5983
municipal ordinance that is substantially similar to any of 5984
those divisions or that former section, in a case in which the 5985
jury or judge found that the person was under the influence of 5986
alcohol, a drug of abuse, or alcohol and a drug of abuse. 5987

(b) The first thirty days of a suspension under division 5988
(B) or (D) of this section, if the person has been convicted one 5989

time within ten years of the date of the offense giving rise to 5990
the suspension under this section of any violation identified in 5991
division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 5992

(c) The first one hundred eighty days of a suspension 5993
under division (B) or (D) of this section, if the person has 5994
been convicted two times within ten years of the date of the 5995
offense giving rise to the suspension under this section of any 5996
violation identified in division ~~(E) (1) (a)~~ (E) (2) (a) of this 5997
section. 5998

(3) No limited driving privileges may be granted if the 5999
person has been convicted three or more times within five years 6000
of the date of the offense giving rise to a suspension under 6001
division (B) or (D) of this section of any violation identified 6002
in division ~~(E) (1) (a)~~ (E) (2) (a) of this section. 6003

(4) In accordance with section 4510.022 of the Revised 6004
Code, a person may petition for, and a judge may grant, 6005
unlimited driving privileges with a certified ignition interlock 6006
device during the period of suspension imposed under division 6007
(B) or (D) of this section to a person described in division (E) 6008
(2) (a) of this section. 6009

(5) If a person petitions for limited driving privileges 6010
under division (E) (1) of this section or unlimited driving 6011
privileges with a certified ignition interlock device as 6012
provided in division (E) (4) of this section, the registrar shall 6013
be represented by the county prosecutor of the county in which 6014
the person resides if the petition is filed in a juvenile court 6015
or county court, except that if the person resides within a city 6016
or village that is located within the jurisdiction of the county 6017
in which the petition is filed, the city director of law or 6018
village solicitor of that city or village shall represent the 6019

registrar. If the petition is filed in a municipal court, the 6020
registrar shall be represented as provided in section 1901.34 of 6021
the Revised Code. 6022

(6) (a) In issuing an order granting limited driving 6023
privileges under division (E) (1) of this section, the court may 6024
impose any condition it considers reasonable and necessary to 6025
limit the use of a vehicle by the person. The court shall 6026
deliver to the person a copy of the order setting forth the 6027
time, place, and other conditions limiting the person's use of a 6028
motor vehicle. Unless division (E) (6) (b) of this section 6029
applies, the grant of limited driving privileges shall be 6030
conditioned upon the person's having the order in the person's 6031
possession at all times during which the person is operating a 6032
vehicle. 6033

(b) If, under the order, the court requires the use of an 6034
immobilizing or disabling device as a condition of the grant of 6035
limited or unlimited driving privileges, the person shall 6036
present to the registrar or to a deputy registrar the copy of 6037
the order granting limited driving privileges and a certificate 6038
affirming the installation of an immobilizing or disabling 6039
device that is in a form established by the director of public 6040
safety and is signed by the person who installed the device. 6041
Upon presentation of the order and the certificate to the 6042
registrar or a deputy registrar, the registrar or deputy 6043
registrar shall issue to the offender a restricted license, 6044
unless the offender's driver's or commercial driver's license or 6045
permit is suspended under any other provision of law and limited 6046
driving privileges have not been granted with regard to that 6047
suspension. A restricted license issued under this division 6048
shall be identical to an Ohio driver's license, except that it 6049
shall have printed on its face a statement that the offender is 6050

prohibited from operating any motor vehicle that is not equipped 6051
with an immobilizing or disabling device in violation of the 6052
order. 6053

(7) (a) Unless division (E) (7) (b) applies, a person granted 6054
limited driving privileges who operates a vehicle for other than 6055
limited purposes, in violation of any condition imposed by the 6056
court or without having the order in the person's possession, is 6057
guilty of a violation of section 4510.11 of the Revised Code. 6058

(b) No person who has been granted limited or unlimited 6059
driving privileges under division (E) of this section subject to 6060
an immobilizing or disabling device order shall operate a motor 6061
vehicle prior to obtaining a restricted license. Any person who 6062
violates this prohibition is subject to the penalties prescribed 6063
in section 4510.14 of the Revised Code. 6064

(c) The offenses established under division (E) (7) of this 6065
section are strict liability offenses and section 2901.20 of the 6066
Revised Code does not apply. 6067

(F) The provisions of division (A) (8) of section 4510.13 6068
of the Revised Code apply to a person who has been granted 6069
limited or unlimited driving privileges with a certified 6070
ignition interlock device under this section and who either 6071
commits an ignition interlock device violation as defined under 6072
section 4510.46 of the Revised Code or operates a motor vehicle 6073
that is not equipped with a certified ignition interlock device. 6074

(G) Any person whose license or permit has been suspended 6075
under division (A) or (C) of this section may file a petition in 6076
the municipal or county court, or in case the person is under 6077
eighteen years of age, the juvenile court, in whose jurisdiction 6078
the person resides, requesting the termination of the suspension 6079

and agreeing to pay the cost of the proceedings. If the court, 6080
in its discretion, determines that a termination of the 6081
suspension is appropriate, the court shall issue an order to the 6082
registrar to terminate the suspension. Upon receiving such an 6083
order, the registrar shall reinstate the license. 6084

(H) As used in divisions (C) and (D) of this section: 6085

(1) "Child" means a person who is under the age of 6086
eighteen years, except that any person who violates a statute or 6087
ordinance described in division (C) or (D) of this section prior 6088
to attaining eighteen years of age shall be deemed a "child" 6089
irrespective of the person's age at the time the complaint or 6090
other equivalent document is filed in the other state or a 6091
hearing, trial, or other proceeding is held in the other state 6092
on the complaint or other equivalent document, and irrespective 6093
of the person's age when the period of license suspension or 6094
denial prescribed in division (C) or (D) of this section is 6095
imposed. 6096

(2) "Is convicted of or pleads guilty to" means, as it 6097
relates to a child who is a resident of this state, that in a 6098
proceeding conducted in a state or federal court located in 6099
another state for a violation of a statute or ordinance 6100
described in division (C) or (D) of this section, the result of 6101
the proceeding is any of the following: 6102

(a) Under the laws that govern the proceedings of the 6103
court, the child is adjudicated to be or admits to being a 6104
delinquent child or a juvenile traffic offender for a violation 6105
described in division (C) or (D) of this section that would be a 6106
crime if committed by an adult; 6107

(b) Under the laws that govern the proceedings of the 6108

court, the child is convicted of or pleads guilty to a violation 6109
described in division (C) or (D) of this section; 6110

(c) Under the laws that govern the proceedings of the 6111
court, irrespective of the terminology utilized in those laws, 6112
the result of the court's proceedings is the functional 6113
equivalent of division (H) (2) (a) or (b) of this section. 6114

Sec. 4510.22. (A) If a person who has a current valid Ohio 6115
driver's, commercial driver's license, or temporary instruction 6116
permit is charged with a violation of any provision in sections 6117
4503.11, 4503.12, 4503.182, 4503.21, 4507.02, 4507.05, 4507.35, 6118
4510.11, 4510.111, 4510.12, 4510.16, 4510.21, 4511.01 to 6119
4511.76, 4511.81, 4511.82, 4511.84, 4513.01 to 4513.65, or 6120
4549.01 to 4549.65 of the Revised Code or with a violation of 6121
any substantially equivalent municipal ordinance and if the 6122
person ~~either~~ fails to appear in court at the required time and 6123
place to answer the charge ~~or pleads guilty to or is found~~ 6124
~~guilty of the violation and fails within the time allowed by the~~ 6125
~~court to pay the fine imposed by the court,~~ the court may 6126
declare the forfeiture of the person's license. Thirty days 6127
after such a declaration of forfeiture, the court shall inform 6128
the registrar of motor vehicles of the forfeiture by entering 6129
information relative to the forfeiture on a form approved and 6130
furnished by the registrar and sending the form to the 6131
registrar. The court also shall forward the person's license, if 6132
it is in the possession of the court, to the registrar. 6133

The registrar shall impose a class F suspension of the 6134
person's driver's or commercial driver's license, or temporary 6135
instruction permit for the period of time specified in division 6136
(B) (6) of section 4510.02 of the Revised Code on any person who 6137
is named in a declaration received by the registrar under this 6138

section. The registrar shall send written notification of the 6139
suspension to the person at the person's last known address and, 6140
if the person is in possession of the license, order the person 6141
to surrender the person's license or permit to the registrar 6142
within forty-eight hours. 6143

No valid driver's or commercial driver's license shall be 6144
granted to the person after the suspension, unless the court 6145
having jurisdiction of the offense that led to the suspension 6146
orders that the forfeiture be terminated. The court shall order 6147
the termination of the forfeiture if the person thereafter 6148
appears to answer the charge ~~and pays any fine imposed by the~~ 6149
~~court or pays the fine originally imposed by the court.~~ The 6150
court shall inform the registrar of the termination of the 6151
forfeiture by entering information relative to the termination 6152
on a form approved and furnished by the registrar and sending 6153
the form to the registrar. The person shall pay to the registrar 6154
of motor vehicles or an eligible deputy registrar a twenty-five- 6155
dollar reinstatement fee. In addition, each deputy registrar 6156
shall collect a service fee of ten dollars to compensate the 6157
deputy registrar for services performed under this section. The 6158
deputy registrar shall retain eight dollars of the service fee 6159
and shall transmit the reinstatement fee, plus two dollars of 6160
the service fee, to the registrar in the manner the registrar 6161
shall determine. The registrar shall deposit fifteen dollars of 6162
the reinstatement fee into the state treasury to the credit of 6163
the public safety - highway purposes fund created by section 6164
4501.06 of the Revised Code to cover the costs of the bureau in 6165
administering this section and shall deposit ten dollars of the 6166
fee into the state treasury to the credit of the indigent 6167
defense support fund created by section 120.08 of the Revised 6168
Code. 6169

(B) In addition to suspending the driver's or commercial 6170
driver's license or permit of the person named in a declaration 6171
of forfeiture, the registrar, upon receipt from the court of the 6172
copy of the declaration of forfeiture, shall take any measures 6173
that may be necessary to ensure that neither the registrar nor 6174
any deputy registrar accepts any application for the 6175
registration or transfer of registration of any motor vehicle 6176
owned or leased by the person named in the declaration of 6177
forfeiture. However, for a motor vehicle leased by a person 6178
named in a declaration of forfeiture, the registrar shall not 6179
implement the preceding sentence until the registrar adopts 6180
procedures for that implementation under section 4503.39 of the 6181
Revised Code. The period of denial of registration or transfer 6182
shall continue until such time as the court having jurisdiction 6183
of the offense that led to the suspension orders the forfeiture 6184
be terminated. Upon receipt by the registrar of an order 6185
terminating the forfeiture, the registrar also shall take any 6186
measures that may be necessary to permit the person to register 6187
a motor vehicle owned or leased by the person or to transfer the 6188
registration of such a motor vehicle, if the person later makes 6189
application to take such action and otherwise is eligible to 6190
register the motor vehicle or to transfer its registration. 6191

The registrar shall not be required to give effect to any 6192
declaration of forfeiture or order terminating a forfeiture 6193
provided by a court under this section unless the information 6194
contained in the declaration or order is transmitted to the 6195
registrar by means of an electronic transfer system. The 6196
registrar shall not restore the person's driving or vehicle 6197
registration privileges until the person pays the reinstatement 6198
fee as provided in this section. 6199

~~The period of denial relating to the issuance or transfer~~ 6200

~~of a certificate of registration for a motor vehicle imposed 6201~~
~~pursuant to this division remains in effect until the person 6202~~
~~pays any fine imposed by the court relative to the offense. 6203~~

Section 2. That existing sections 1901.44, 1905.202, 6204
1907.25, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 6205
2925.11, 2925.12, 2925.13, 2925.14, 2925.22, 2925.23, 2925.31, 6206
2925.32, 2925.36, 2925.37, 2935.26, 2935.27, 2937.40, 2947.09, 6207
3123.54, 3123.56, 3123.58, 3321.13, 3321.191, 4501.06, 4503.10, 6208
4503.102, 4503.12, 4503.20, 4503.39, 4507.212, 4509.101, 6209
4509.45, 4509.66, 4509.67, 4509.69, 4509.77, 4510.101, 4510.111, 6210
4510.16, 4510.17, and 4510.22 of the Revised Code are hereby 6211
repealed. 6212

Section 3. That sections 2937.221 and 4510.32 of the 6213
Revised Code are hereby repealed. 6214

Section 4. (A) An offender who received a suspension of 6215
the offender's temporary instruction permit or driver's license 6216
or a denial of the opportunity to obtain a permit or license 6217
under section 4510.32 of the Revised Code, as it existed prior 6218
to the effective date of this section, may file a motion with 6219
the juvenile court in whose jurisdiction the offender resides 6220
requesting the termination of the suspension or denial. 6221

(B) Upon the filing of a motion under this section, the 6222
juvenile court, in its discretion, may order the registrar of 6223
motor vehicles to terminate the suspension or terminate the 6224
denial of the opportunity to obtain a permit or license. If so 6225
ordered, the registrar shall do all of the following: 6226

(1) Cancel the record created for the offender regarding 6227
the suspension or denial of the offender's opportunity to obtain 6228
a permit or license; 6229

(2) Terminate the suspension of the offender's permit or license or the denial of the offender's opportunity to obtain a permit or license;

(3) Return the driver's license or permit to the offender or reissue the offender's license or permit under section 4510.52 of the Revised Code, if the registrar destroyed the suspended license or permit under that section.

Section 5. (A) Not later than thirty days after the effective date of this section, the Registrar of Motor Vehicles shall remove any suspensions of an individual's driver's license or motor vehicle registration that were imposed under section 4510.22 of the Revised Code, prior to the effective date of this section, for failure to pay a court fine or fee.

(B) Not later than thirty days after the effective date of this section, the Registrar shall create a list of individuals whose driver's license or motor vehicle registration is suspended under section 2935.27 of the Revised Code for failure to pay a court fine or fee. The Registrar shall notify the courts that suspended those individuals' driver's licenses or motor vehicle registrations of the individuals' names and suspension. The courts shall order the Registrar to remove the suspensions associated with section 2935.27 of the Revised Code for those individuals.

(C) The Registrar shall not charge any fees, including reinstatement fees, associated with the reinstatement of a driver's license or motor vehicle registration under this section.

(D) (1) An individual whose driver's license suspension or motor vehicle registration suspension is removed under division

(A) or (B) of this section may have that individual's driver's license or motor vehicle registration reinstated at a deputy registrar office, provided that the individual's driver's license or motor vehicle registration is not also suspended for any other offense.

(2) If an individual's driver's license or motor vehicle registration is suspended for another offense, once the individual's license or registration is eligible for reinstatement, that individual may apply for reinstatement and shall not be required to pay any fees, including reinstatement fees, associated with the suspension removed under division (A) or (B) of this section. The individual may still be required to pay reinstatement fees associated with the other offense for which the individual's driver's license or motor vehicle registration was suspended.

(E) The Registrar shall notify any individual impacted by this section of the terms of the removal of driver's license and motor vehicle registration suspensions under this section and the process by which to reinstate the individual's driver's license or motor vehicle registration.

Section 6. (A) Not later than thirty days after the effective date of this section, the Registrar of Motor Vehicles shall remove any remaining driver's license suspensions that were imposed as a result of the Financial Responsibility Random Verification Program. That Program was eliminated through H.B. 62 of the 133rd General Assembly, effective July 3, 2019. The Registrar shall not charge any fees, including reinstatement fees, associated with the reinstatement of a driver's license that was suspended as a result of that Program.

(B) (1) A person whose driver's license suspension is

removed under division (A) of this section may have that 6289
person's driver's license reinstated at a deputy registrar 6290
office, provided that person's driver's license is not also 6291
suspended for any other offense. 6292

(2) If a person's driver's license is suspended for 6293
another offense, once the person's license is eligible for 6294
reinstatement, that person may apply for reinstatement and shall 6295
not be required to pay any fees, including reinstatement fees, 6296
associated with the Program. The person may still be required to 6297
pay reinstatement fees associated with the other offense for 6298
which the person's driver's license was suspended. 6299

(C) The Registrar shall notify any person impacted by this 6300
section of the terms of the removal of driver's license 6301
suspensions associated with the Financial Responsibility Random 6302
Verification Program and the process by which to reinstate the 6303
person's driver's license. 6304

Section 7. The General Assembly, applying the principle 6305
stated in division (B) of section 1.52 of the Revised Code that 6306
amendments are to be harmonized if reasonably capable of 6307
simultaneous operation, finds that the following sections, 6308
presented in this act as composites of the sections as amended 6309
by the acts indicated, are the resulting versions of the 6310
sections in effect prior to the effective date of the sections 6311
as presented in this act: 6312

Section 2925.04 of the Revised Code as amended by both 6313
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6314

Section 2925.05 of the Revised Code as amended by both 6315
S.B. 1 and S.B. 201 of the 132nd General Assembly. 6316