

**As Reported by House Armed Services, Veterans Affairs, and Public  
Safety Committee**

**131st General Assembly**

**Regular Session  
2015-2016**

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

**Representative Scherer**

**Cosponsors: Representatives Johnson, T., Anielski, Arndt, Landis, Young,  
Zeltwanger**

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**A BILL**

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

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

**Section 1.** That sections 1547.99, 1905.01, 2903.06, 16  
2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 4510.13, 4510.17, 17

4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 4511.191, 4511.193, 18  
and 4511.195 be amended and section 4510.022 of the Revised Code 19  
be enacted to read as follows: 20

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the 21  
Revised Code is guilty of a felony of the fourth degree. 22

(B) Whoever violates division (F) of section 1547.08, 23  
section 1547.10, division (I) of section 1547.111, section 24  
1547.13, or section 1547.66 of the Revised Code is guilty of a 25  
misdemeanor of the first degree. 26

(C) Whoever violates a provision of this chapter or a rule 27  
adopted thereunder, for which no penalty is otherwise provided, 28  
is guilty of a minor misdemeanor. 29

(D) Whoever violates section 1547.07, 1547.132, or 1547.12 30  
of the Revised Code without causing injury to persons or damage 31  
to property is guilty of a misdemeanor of the fourth degree. 32

(E) Whoever violates section 1547.07, 1547.132, or 1547.12 33  
of the Revised Code causing injury to persons or damage to 34  
property is guilty of a misdemeanor of the third degree. 35

(F) Whoever violates division (N) of section 1547.54, 36  
division (G) of section 1547.30, or section 1547.131, 1547.25, 37  
1547.33, 1547.38, 1547.39, 1547.40, 1547.65, 1547.69, or 1547.92 38  
of the Revised Code or a rule adopted under division (A) (2) of 39  
section 1547.52 of the Revised Code is guilty of a misdemeanor 40  
of the fourth degree. 41

(G) Whoever violates section 1547.11 of the Revised Code 42  
is guilty of a misdemeanor of the first degree and shall be 43  
punished as provided in division (G) (1), (2), or (3) of this 44  
section. 45

(1) Except as otherwise provided in division (G)(2) or (3) 46  
of this section, the court shall sentence the offender to a jail 47  
term of three consecutive days and may sentence the offender 48  
pursuant to section 2929.24 of the Revised Code to a longer jail 49  
term. In addition, the court shall impose upon the offender a 50  
fine of not less than one hundred fifty nor more than one 51  
thousand dollars. 52

The court may suspend the execution of the mandatory jail 53  
term of three consecutive days that it is required to impose by 54  
division (G)(1) of this section if the court, in lieu of the 55  
suspended jail term, places the offender under a community 56  
control sanction pursuant to section 2929.25 of the Revised Code 57  
and requires the offender to attend, for three consecutive days, 58  
a drivers' intervention program that is certified pursuant to 59  
section 5119.38 of the Revised Code. The court also may suspend 60  
the execution of any part of the mandatory jail term of three 61  
consecutive days that it is required to impose by division (G) 62  
(1) of this section if the court places the offender under a 63  
community control sanction pursuant to section 2929.25 of the 64  
Revised Code for part of the three consecutive days; requires 65  
the offender to attend, for that part of the three consecutive 66  
days, a drivers' intervention program that is certified pursuant 67  
to section 5119.38 of the Revised Code; and sentences the 68  
offender to a jail term equal to the remainder of the three 69  
consecutive days that the offender does not spend attending the 70  
drivers' intervention program. The court may require the 71  
offender, as a condition of community control, to attend and 72  
satisfactorily complete any treatment or education programs, in 73  
addition to the required attendance at a drivers' intervention 74  
program, that the operators of the drivers' intervention program 75  
determine that the offender should attend and to report 76

periodically to the court on the offender's progress in the 77  
programs. The court also may impose any other conditions of 78  
community control on the offender that it considers necessary. 79

(2) If, within ~~six~~ten years of the offense, the offender 80  
has been convicted of or pleaded guilty to one violation of 81  
section 1547.11 of the Revised Code or one other equivalent 82  
offense, the court shall sentence the offender to a jail term of 83  
ten consecutive days and may sentence the offender pursuant to 84  
section 2929.24 of the Revised Code to a longer jail term. In 85  
addition, the court shall impose upon the offender a fine of not 86  
less than one hundred fifty nor more than one thousand dollars. 87

In addition to any other sentence that it imposes upon the 88  
offender, the court may require the offender to attend a 89  
drivers' intervention program that is certified pursuant to 90  
section 5119.38 of the Revised Code. 91

(3) If, within ~~six~~ten years of the offense, the offender 92  
has been convicted of or pleaded guilty to more than one 93  
violation or offense identified in division (G) (2) of this 94  
section, the court shall sentence the offender to a jail term of 95  
thirty consecutive days and may sentence the offender to a 96  
longer jail term of not more than one year. In addition, the 97  
court shall impose upon the offender a fine of not less than one 98  
hundred fifty nor more than one thousand dollars. 99

In addition to any other sentence that it imposes upon the 100  
offender, the court may require the offender to attend a 101  
drivers' intervention program that is certified pursuant to 102  
section 5119.38 of the Revised Code. 103

(4) Upon a showing that serving a jail term would 104  
seriously affect the ability of an offender sentenced pursuant 105

to division (G) (1), (2), or (3) of this section to continue the 106  
offender's employment, the court may authorize that the offender 107  
be granted work release after the offender has served the 108  
mandatory jail term of three, ten, or thirty consecutive days 109  
that the court is required by division (G) (1), (2), or (3) of 110  
this section to impose. No court shall authorize work release 111  
during the mandatory jail term of three, ten, or thirty 112  
consecutive days that the court is required by division (G) (1), 113  
(2), or (3) of this section to impose. The duration of the work 114  
release shall not exceed the time necessary each day for the 115  
offender to commute to and from the place of employment and the 116  
place in which the jail term is served and the time actually 117  
spent under employment. 118

(5) Notwithstanding any section of the Revised Code that 119  
authorizes the suspension of the imposition or execution of a 120  
sentence or the placement of an offender in any treatment 121  
program in lieu of being imprisoned or serving a jail term, no 122  
court shall suspend the mandatory jail term of ten or thirty 123  
consecutive days required to be imposed by division (G) (2) or 124  
(3) of this section or place an offender who is sentenced 125  
pursuant to division (G) (2) or (3) of this section in any 126  
treatment program in lieu of being imprisoned or serving a jail 127  
term until after the offender has served the mandatory jail term 128  
of ten or thirty consecutive days required to be imposed 129  
pursuant to division (G) (2) or (3) of this section. 130  
Notwithstanding any section of the Revised Code that authorizes 131  
the suspension of the imposition or execution of a sentence or 132  
the placement of an offender in any treatment program in lieu of 133  
being imprisoned or serving a jail term, no court, except as 134  
specifically authorized by division (G) (1) of this section, 135  
shall suspend the mandatory jail term of three consecutive days 136

required to be imposed by division (G) (1) of this section or 137  
place an offender who is sentenced pursuant to division (G) (1) 138  
of this section in any treatment program in lieu of imprisonment 139  
until after the offender has served the mandatory jail term of 140  
three consecutive days required to be imposed pursuant to 141  
division (G) (1) of this section. 142

(6) As used in division (G) of this section: 143

(a) "Equivalent offense" has the same meaning as in 144  
section 4511.181 of the Revised Code. 145

(b) "Jail term" and "mandatory jail term" have the same 146  
meanings as in section 2929.01 of the Revised Code. 147

(H) Whoever violates section 1547.304 of the Revised Code 148  
is guilty of a misdemeanor of the fourth degree and also shall 149  
be assessed any costs incurred by the state or a county, 150  
township, municipal corporation, or other political subdivision 151  
in disposing of an abandoned junk vessel or outboard motor, less 152  
any money accruing to the state, county, township, municipal 153  
corporation, or other political subdivision from that disposal. 154

(I) Whoever violates division (B) or (C) of section 155  
1547.49 of the Revised Code is guilty of a minor misdemeanor. 156

(J) Whoever violates section 1547.31 of the Revised Code 157  
is guilty of a misdemeanor of the fourth degree on a first 158  
offense. On each subsequent offense, the person is guilty of a 159  
misdemeanor of the third degree. 160

(K) Whoever violates section 1547.05 or 1547.051 of the 161  
Revised Code is guilty of a misdemeanor of the fourth degree if 162  
the violation is not related to a collision, injury to a person, 163  
or damage to property and a misdemeanor of the third degree if 164  
the violation is related to a collision, injury to a person, or 165

damage to property. 166

(L) The sentencing court, in addition to the penalty 167  
provided under this section for a violation of this chapter or a 168  
rule adopted under it that involves a powercraft powered by more 169  
than ten horsepower and that, in the opinion of the court, 170  
involves a threat to the safety of persons or property, shall 171  
order the offender to complete successfully a boating course 172  
approved by the national association of state boating law 173  
administrators before the offender is allowed to operate a 174  
powercraft powered by more than ten horsepower on the waters in 175  
this state. Violation of a court order entered under this 176  
division is punishable as contempt under Chapter 2705. of the 177  
Revised Code. 178

**Sec. 1905.01.** (A) In Georgetown in Brown county, in Mount 179  
Gilead in Morrow county, in any municipal corporation located 180  
entirely on an island in Lake Erie, and in all other municipal 181  
corporations having a population of more than two hundred, other 182  
than Batavia in Clermont county, not being the site of a 183  
municipal court nor a place where a judge of the Auglaize 184  
county, Crawford county, Jackson county, Miami county, 185  
Montgomery county, Portage county, or Wayne county municipal 186  
court sits as required pursuant to section 1901.021 of the 187  
Revised Code or by designation of the judges pursuant to section 188  
1901.021 of the Revised Code, the mayor of the municipal 189  
corporation has jurisdiction, except as provided in divisions 190  
(B), (C), and (E) of this section and subject to the limitation 191  
contained in section 1905.03 and the limitation contained in 192  
section 1905.031 of the Revised Code, to hear and determine any 193  
prosecution for the violation of an ordinance of the municipal 194  
corporation, to hear and determine any case involving a 195  
violation of a vehicle parking or standing ordinance of the 196

municipal corporation unless the violation is required to be 197  
handled by a parking violations bureau or joint parking 198  
violations bureau pursuant to Chapter 4521. of the Revised Code, 199  
and to hear and determine all criminal causes involving any 200  
moving traffic violation occurring on a state highway located 201  
within the boundaries of the municipal corporation, subject to 202  
the limitations of sections 2937.08 and 2938.04 of the Revised 203  
Code. 204

(B) (1) In Georgetown in Brown county, in Mount Gilead in 205  
Morrow county, in any municipal corporation located entirely on 206  
an island in Lake Erie, and in all other municipal corporations 207  
having a population of more than two hundred, other than Batavia 208  
in Clermont county, not being the site of a municipal court nor 209  
a place where a judge of a court listed in division (A) of this 210  
section sits as required pursuant to section 1901.021 of the 211  
Revised Code or by designation of the judges pursuant to section 212  
1901.021 of the Revised Code, the mayor of the municipal 213  
corporation has jurisdiction, subject to the limitation 214  
contained in section 1905.03 of the Revised Code, to hear and 215  
determine prosecutions involving a violation of an ordinance of 216  
the municipal corporation relating to operating a vehicle while 217  
under the influence of alcohol, a drug of abuse, or a 218  
combination of them or relating to operating a vehicle with a 219  
prohibited concentration of alcohol, a controlled substance, or 220  
a metabolite of a controlled substance in the whole blood, blood 221  
serum or plasma, breath, or urine, and to hear and determine 222  
criminal causes involving a violation of section 4511.19 of the 223  
Revised Code that occur on a state highway located within the 224  
boundaries of the municipal corporation, subject to the 225  
limitations of sections 2937.08 and 2938.04 of the Revised Code, 226  
only if the person charged with the violation, within ~~six~~-ten 227



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| years of the date of the violation charged, has not been         | 228 |
| convicted of or pleaded guilty to any of the following:          | 229 |
| (a) A violation of an ordinance of any municipal                 | 230 |
| corporation relating to operating a vehicle while under the      | 231 |
| influence of alcohol, a drug of abuse, or a combination of them  | 232 |
| or relating to operating a vehicle with a prohibited             | 233 |
| concentration of alcohol, a controlled substance, or a           | 234 |
| metabolite of a controlled substance in the whole blood, blood   | 235 |
| serum or plasma, breath, or urine;                               | 236 |
| (b) A violation of section 4511.19 of the Revised Code;          | 237 |
| (c) A violation of any ordinance of any municipal                | 238 |
| corporation or of any section of the Revised Code that regulates | 239 |
| the operation of vehicles, streetcars, and trackless trolleys    | 240 |
| upon the highways or streets, to which all of the following      | 241 |
| apply:   | 242 |
| (i) The person, in the case in which the conviction was          | 243 |
| obtained or the plea of guilty was entered, had been charged     | 244 |
| with a violation of an ordinance of a type described in division | 245 |
| (B) (1) (a) of this section, or with a violation of section      | 246 |
| 4511.19 of the Revised Code;                                     | 247 |
| (ii) The charge of the violation described in division (B)       | 248 |
| (1) (c) (i) of this section was dismissed or reduced;            | 249 |
| (iii) The violation of which the person was convicted or         | 250 |
| to which the person pleaded guilty arose out of the same facts   | 251 |
| and circumstances and the same act as did the charge that was    | 252 |
| dismissed or reduced.  | 253 |
| (d) A violation of a statute of the United States or of          | 254 |
| any other state or a municipal ordinance of a municipal          | 255 |
| corporation located in any other state that is substantially     | 256 |

similar to section 4511.19 of the Revised Code. 257

(2) The mayor of a municipal corporation does not have 258  
jurisdiction to hear and determine any prosecution or criminal 259  
cause involving a violation described in division (B) (1) (a) or 260  
(b) of this section, regardless of where the violation occurred, 261  
if the person charged with the violation, within ~~six~~-ten years 262  
of the violation charged, has been convicted of or pleaded 263  
guilty to any violation listed in division (B) (1) (a), (b), (c), 264  
or (d) of this section. 265

If the mayor of a municipal corporation, in hearing a 266  
prosecution involving a violation of an ordinance of the 267  
municipal corporation the mayor serves relating to operating a 268  
vehicle while under the influence of alcohol, a drug of abuse, 269  
or a combination of them or relating to operating a vehicle with 270  
a prohibited concentration of alcohol, a controlled substance, 271  
or a metabolite of a controlled substance in the whole blood, 272  
blood serum or plasma, breath, or urine, or in hearing a 273  
criminal cause involving a violation of section 4511.19 of the 274  
Revised Code, determines that the person charged, within ~~six~~-ten 275  
years of the violation charged, has been convicted of or pleaded 276  
guilty to any violation listed in division (B) (1) (a), (b), (c), 277  
or (d) of this section, the mayor immediately shall transfer the 278  
case to the county court or municipal court with jurisdiction 279  
over the violation charged, in accordance with section 1905.032 280  
of the Revised Code. 281

(C) (1) In Georgetown in Brown county, in Mount Gilead in 282  
Morrow county, in any municipal corporation located entirely on 283  
an island in Lake Erie, and in all other municipal corporations 284  
having a population of more than two hundred, other than Batavia 285  
in Clermont county, not being the site of a municipal court and 286

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

(a) Regarding a violation of section 4510.16 of the 302  
Revised Code or a violation of a municipal ordinance that is 303  
substantially equivalent to that division, the person charged 304  
with the violation, within six years of the date of the 305  
violation charged, has not been convicted of or pleaded guilty 306  
to any of the following: 307

(i) A violation of section 4510.16 of the Revised Code; 308

(ii) A violation of a municipal ordinance that is 309  
substantially equivalent to section 4510.16 of the Revised Code; 310

(iii) A violation of any municipal ordinance or section of 311  
the Revised Code that regulates the operation of vehicles, 312  
streetcars, and trackless trolleys upon the highways or streets, 313  
in a case in which, after a charge against the person of a 314  
violation of a type described in division (C) (1) (a) (i) or (ii) 315  
of this section was dismissed or reduced, the person is 316

convicted of or pleads guilty to a violation that arose out of 317  
the same facts and circumstances and the same act as did the 318  
charge that was dismissed or reduced. 319

(b) Regarding a violation of division (A) of section 320  
4510.14 of the Revised Code or a violation of a municipal 321  
ordinance that is substantially equivalent to that division, the 322  
person charged with the violation, within six years of the date 323  
of the violation charged, has not been convicted of or pleaded 324  
guilty to any of the following: 325

(i) A violation of division (A) of section 4510.14 of the 326  
Revised Code; 327

(ii) A violation of a municipal ordinance that is 328  
substantially equivalent to division (A) of section 4510.14 of 329  
the Revised Code; 330

(iii) A violation of any municipal ordinance or section of 331  
the Revised Code that regulates the operation of vehicles, 332  
streetcars, and trackless trolleys upon the highways or streets 333  
in a case in which, after a charge against the person of a 334  
violation of a type described in division (C) (1) (b) (i) or (ii) 335  
of this section was dismissed or reduced, the person is 336  
convicted of or pleads guilty to a violation that arose out of 337  
the same facts and circumstances and the same act as did the 338  
charge that was dismissed or reduced. 339

(2) The mayor of a municipal corporation does not have 340  
jurisdiction to hear and determine any prosecution or criminal 341  
cause involving a violation described in division (C) (1) (a) (i) 342  
or (ii) of this section if the person charged with the 343  
violation, within six years of the violation charged, has been 344  
convicted of or pleaded guilty to any violation listed in 345

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

(3) If the mayor of a municipal corporation, in hearing a 353  
prosecution involving a violation of an ordinance of the 354  
municipal corporation the mayor serves that is substantially 355  
equivalent to division (A) of section 4510.14 or section 4510.16 356  
of the Revised Code or a violation of division (A) of section 357  
4510.14 or section 4510.16 of the Revised Code, determines that, 358  
under division (C) (2) of this section, mayors do not have 359  
jurisdiction of the prosecution, the mayor immediately shall 360  
transfer the case to the county court or municipal court with 361  
jurisdiction over the violation in accordance with section 362  
1905.032 of the Revised Code. 363

(D) If the mayor of a municipal corporation has 364  
jurisdiction pursuant to division (B) (1) of this section to hear 365  
and determine a prosecution or criminal cause involving a 366  
violation described in division (B) (1) (a) or (b) of this 367  
section, the authority of the mayor to hear or determine the 368  
prosecution or cause is subject to the limitation contained in 369  
division (C) of section 1905.03 of the Revised Code. If the 370  
mayor of a municipal corporation has jurisdiction pursuant to 371  
division (A) or (C) of this section to hear and determine a 372  
prosecution or criminal cause involving a violation other than a 373  
violation described in division (B) (1) (a) or (b) of this 374  
section, the authority of the mayor to hear or determine the 375  
prosecution or cause is subject to the limitation contained in 376

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| division (C) of section 1905.031 of the Revised Code.   | 377                                    |
| (E) (1) The mayor of a municipal corporation does not have jurisdiction to hear and determine any prosecution or criminal cause involving any of the following:   | 378<br>379<br>380                      |
| (a) A violation of section 2919.25 or 2919.27 of the Revised Code;  | 381<br>382                             |
| (b) A violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code that involves a person who was a family or household member of the defendant at the time of the violation;  | 383<br>384<br>385<br>386               |
| (c) A violation of a municipal ordinance that is substantially equivalent to an offense described in division (E) (1) (a) or (b) of this section and that involves a person who was a family or household member of the defendant at the time of the violation.   | 387<br>388<br>389<br>390<br>391        |
| (2) The mayor of a municipal corporation does not have jurisdiction to hear and determine a motion filed pursuant to section 2919.26 of the Revised Code or filed pursuant to a municipal ordinance that is substantially equivalent to that section or to issue a protection order pursuant to that section or a substantially equivalent municipal ordinance. | 392<br>393<br>394<br>395<br>396<br>397 |
| (3) As used in this section, "family or household member" has the same meaning as in section 2919.25 of the Revised Code.   | 398<br>399                             |
| (F) In keeping a docket and files, the mayor, and a mayor's court magistrate appointed under section 1905.05 of the Revised Code, shall be governed by the laws pertaining to county courts.  | 400<br>401<br>402<br>403               |
| <b>Sec. 2903.06.</b> (A) No person, while operating or  | 404                                    |

participating in the operation of a motor vehicle, motorcycle, 405  
snowmobile, locomotive, watercraft, or aircraft, shall cause the 406  
death of another or the unlawful termination of another's 407  
pregnancy in any of the following ways: 408

(1) (a) As the proximate result of committing a violation 409  
of division (A) of section 4511.19 of the Revised Code or of a 410  
substantially equivalent municipal ordinance; 411

(b) As the proximate result of committing a violation of 412  
division (A) of section 1547.11 of the Revised Code or of a 413  
substantially equivalent municipal ordinance; 414

(c) As the proximate result of committing a violation of 415  
division (A) (3) of section 4561.15 of the Revised Code or of a 416  
substantially equivalent municipal ordinance. 417

(2) In one of the following ways: 418

(a) Recklessly; 419

(b) As the proximate result of committing, while operating 420  
or participating in the operation of a motor vehicle or 421  
motorcycle in a construction zone, a reckless operation offense, 422  
provided that this division applies only if the person whose 423  
death is caused or whose pregnancy is unlawfully terminated is 424  
in the construction zone at the time of the offender's 425  
commission of the reckless operation offense in the construction 426  
zone and does not apply as described in division (F) of this 427  
section. 428

(3) In one of the following ways: 429

(a) Negligently; 430

(b) As the proximate result of committing, while operating 431  
or participating in the operation of a motor vehicle or 432

motorcycle in a construction zone, a speeding offense, provided 433  
that this division applies only if the person whose death is 434  
caused or whose pregnancy is unlawfully terminated is in the 435  
construction zone at the time of the offender's commission of 436  
the speeding offense in the construction zone and does not apply 437  
as described in division (F) of this section. 438

(4) As the proximate result of committing a violation of 439  
any provision of any section contained in Title XLV of the 440  
Revised Code that is a minor misdemeanor or of a municipal 441  
ordinance that, regardless of the penalty set by ordinance for 442  
the violation, is substantially equivalent to any provision of 443  
any section contained in Title XLV of the Revised Code that is a 444  
minor misdemeanor. 445

(B) (1) Whoever violates division (A) (1) or (2) of this 446  
section is guilty of aggravated vehicular homicide and shall be 447  
punished as provided in divisions (B) (2) and (3) of this 448  
section. 449

(2) (a) Except as otherwise provided in division (B) (2) (b) 450  
or (c) of this section, aggravated vehicular homicide committed 451  
in violation of division (A) (1) of this section is a felony of 452  
the second degree and the court shall impose a mandatory prison 453  
term on the offender as described in division (E) of this 454  
section. 455

(b) Except as otherwise provided in division (B) (2) (c) of 456  
this section, aggravated vehicular homicide committed in 457  
violation of division (A) (1) of this section is a felony of the 458  
first degree, and the court shall impose a mandatory prison term 459  
on the offender as described in division (E) of this section, if 460  
any of the following apply: 461



(i) At the time of the offense, the offender was driving 462  
under a suspension or cancellation imposed under Chapter 4510. 463  
or any other provision of the Revised Code or was operating a 464  
motor vehicle or motorcycle, did not have a valid driver's 465  
license, commercial driver's license, temporary instruction 466  
permit, probationary license, or nonresident operating 467  
privilege, and was not eligible for renewal of the offender's 468  
driver's license or commercial driver's license without 469  
examination under section 4507.10 of the Revised Code. 470

(ii) The offender previously has been convicted of or 471  
pleaded guilty to a violation of this section. 472

(iii) The offender previously has been convicted of or 473  
pleaded guilty to any traffic-related homicide, manslaughter, or 474  
assault offense. 475

(c) Aggravated vehicular homicide committed in violation 476  
of division (A)(1) of this section is a felony of the first 477  
degree, and the court shall sentence the offender to a mandatory 478  
prison term as provided in section 2929.142 of the Revised Code 479  
and described in division (E) of this section if any of the 480  
following apply: 481

(i) The offender previously has been convicted of or 482  
pleaded guilty to three or more prior violations of section 483  
4511.19 of the Revised Code or of a substantially equivalent 484  
municipal ordinance within the previous ~~six~~ten years. 485

(ii) The offender previously has been convicted of or 486  
pleaded guilty to three or more prior violations of division (A) 487  
of section 1547.11 of the Revised Code or of a substantially 488  
equivalent municipal ordinance within the previous ~~six~~ten 489  
years. 490

(iii) The offender previously has been convicted of or 491  
pleaded guilty to three or more prior violations of division (A) 492  
(3) of section 4561.15 of the Revised Code or of a substantially 493  
equivalent municipal ordinance within the previous ~~six~~-ten 494  
years. 495

(iv) The offender previously has been convicted of or 496  
pleaded guilty to three or more prior violations of division (A) 497  
(1) of this section within the previous ~~six~~-ten years. 498

(v) The offender previously has been convicted of or 499  
pleaded guilty to three or more prior violations of division (A) 500  
(1) of section 2903.08 of the Revised Code within the previous 501  
~~six~~-ten years. 502

(vi) The offender previously has been convicted of or 503  
pleaded guilty to three or more prior violations of section 504  
2903.04 of the Revised Code within the previous ~~six~~-ten years in 505  
circumstances in which division (D) of that section applied 506  
regarding the violations. 507

(vii) The offender previously has been convicted of or 508  
pleaded guilty to three or more violations of any combination of 509  
the offenses listed in division (B) (2) (c) (i), (ii), (iii), (iv), 510  
(v), or (vi) of this section within the previous ~~six~~-ten years. 511

(viii) The offender previously has been convicted of or 512  
pleaded guilty to a second or subsequent felony violation of 513  
division (A) of section 4511.19 of the Revised Code. 514

(d) In addition to any other sanctions imposed pursuant to 515  
division (B) (2) (a), (b), or (c) of this section for aggravated 516  
vehicular homicide committed in violation of division (A) (1) of 517  
this section, the court shall impose upon the offender a class 518  
one suspension of the offender's driver's license, commercial 519

driver's license, temporary instruction permit, probationary 520  
license, or nonresident operating privilege as specified in 521  
division (A) (1) of section 4510.02 of the Revised Code. 522

(3) Except as otherwise provided in this division, 523  
aggravated vehicular homicide committed in violation of division 524  
(A) (2) of this section is a felony of the third degree. 525  
Aggravated vehicular homicide committed in violation of division 526  
(A) (2) of this section is a felony of the second degree if, at 527  
the time of the offense, the offender was driving under a 528  
suspension or cancellation imposed under Chapter 4510. or any 529  
other provision of the Revised Code or was operating a motor 530  
vehicle or motorcycle, did not have a valid driver's license, 531  
commercial driver's license, temporary instruction permit, 532  
probationary license, or nonresident operating privilege, and 533  
was not eligible for renewal of the offender's driver's license 534  
or commercial driver's license without examination under section 535  
4507.10 of the Revised Code or if the offender previously has 536  
been convicted of or pleaded guilty to a violation of this 537  
section or any traffic-related homicide, manslaughter, or 538  
assault offense. The court shall impose a mandatory prison term 539  
on the offender when required by division (E) of this section. 540

In addition to any other sanctions imposed pursuant to 541  
this division for a violation of division (A) (2) of this 542  
section, the court shall impose upon the offender a class two 543  
suspension of the offender's driver's license, commercial 544  
driver's license, temporary instruction permit, probationary 545  
license, or nonresident operating privilege from the range 546  
specified in division (A) (2) of section 4510.02 of the Revised 547  
Code or, if the offender previously has been convicted of or 548  
pleaded guilty to a traffic-related murder, felonious assault, 549  
or attempted murder offense, a class one suspension of the 550

offender's driver's license, commercial driver's license, 551  
temporary instruction permit, probationary license, or 552  
nonresident operating privilege as specified in division (A) (1) 553  
of that section. 554

(C) Whoever violates division (A) (3) of this section is 555  
guilty of vehicular homicide. Except as otherwise provided in 556  
this division, vehicular homicide is a misdemeanor of the first 557  
degree. Vehicular homicide committed in violation of division 558  
(A) (3) of this section is a felony of the fourth degree if, at 559  
the time of the offense, the offender was driving under a 560  
suspension or cancellation imposed under Chapter 4510. or any 561  
other provision of the Revised Code or was operating a motor 562  
vehicle or motorcycle, did not have a valid driver's license, 563  
commercial driver's license, temporary instruction permit, 564  
probationary license, or nonresident operating privilege, and 565  
was not eligible for renewal of the offender's driver's license 566  
or commercial driver's license without examination under section 567  
4507.10 of the Revised Code or if the offender previously has 568  
been convicted of or pleaded guilty to a violation of this 569  
section or any traffic-related homicide, manslaughter, or 570  
assault offense. The court shall impose a mandatory jail term or 571  
a mandatory prison term on the offender when required by 572  
division (E) of this section. 573

In addition to any other sanctions imposed pursuant to 574  
this division, the court shall impose upon the offender a class 575  
four suspension of the offender's driver's license, commercial 576  
driver's license, temporary instruction permit, probationary 577  
license, or nonresident operating privilege from the range 578  
specified in division (A) (4) of section 4510.02 of the Revised 579  
Code, or, if the offender previously has been convicted of or 580  
pleaded guilty to a violation of this section or any traffic- 581

related homicide, manslaughter, or assault offense, a class 582  
three suspension of the offender's driver's license, commercial 583  
driver's license, temporary instruction permit, probationary 584  
license, or nonresident operating privilege from the range 585  
specified in division (A) (3) of that section, or, if the 586  
offender previously has been convicted of or pleaded guilty to a 587  
traffic-related murder, felonious assault, or attempted murder 588  
offense, a class two suspension of the offender's driver's 589  
license, commercial driver's license, temporary instruction 590  
permit, probationary license, or nonresident operating privilege 591  
as specified in division (A) (2) of that section. 592

(D) Whoever violates division (A) (4) of this section is 593  
guilty of vehicular manslaughter. Except as otherwise provided 594  
in this division, vehicular manslaughter is a misdemeanor of the 595  
second degree. Vehicular manslaughter is a misdemeanor of the 596  
first degree if, at the time of the offense, the offender was 597  
driving under a suspension or cancellation imposed under Chapter 598  
4510. or any other provision of the Revised Code or was 599  
operating a motor vehicle or motorcycle, did not have a valid 600  
driver's license, commercial driver's license, temporary 601  
instruction permit, probationary license, or nonresident 602  
operating privilege, and was not eligible for renewal of the 603  
offender's driver's license or commercial driver's license 604  
without examination under section 4507.10 of the Revised Code or 605  
if the offender previously has been convicted of or pleaded 606  
guilty to a violation of this section or any traffic-related 607  
homicide, manslaughter, or assault offense. 608

In addition to any other sanctions imposed pursuant to 609  
this division, the court shall impose upon the offender a class 610  
six suspension of the offender's driver's license, commercial 611  
driver's license, temporary instruction permit, probationary 612

license, or nonresident operating privilege from the range 613  
specified in division (A) (6) of section 4510.02 of the Revised 614  
Code or, if the offender previously has been convicted of or 615  
pleaded guilty to a violation of this section, any traffic- 616  
related homicide, manslaughter, or assault offense, or a 617  
traffic-related murder, felonious assault, or attempted murder 618  
offense, a class four suspension of the offender's driver's 619  
license, commercial driver's license, temporary instruction 620  
permit, probationary license, or nonresident operating privilege 621  
from the range specified in division (A) (4) of that section. 622

(E) The court shall impose a mandatory prison term on an 623  
offender who is convicted of or pleads guilty to a violation of 624  
division (A) (1) of this section. If division (B) (2) (c) (i), (ii), 625  
(iii), (iv), (v), (vi), (vii), or (viii) of this section applies 626  
to an offender who is convicted of or pleads guilty to the 627  
violation of division (A) (1) of this section, the court shall 628  
impose the mandatory prison term pursuant to section 2929.142 of 629  
the Revised Code. The court shall impose a mandatory jail term 630  
of at least fifteen days on an offender who is convicted of or 631  
pleads guilty to a misdemeanor violation of division (A) (3) (b) 632  
of this section and may impose upon the offender a longer jail 633  
term as authorized pursuant to section 2929.24 of the Revised 634  
Code. The court shall impose a mandatory prison term on an 635  
offender who is convicted of or pleads guilty to a violation of 636  
division (A) (2) or (3) (a) of this section or a felony violation 637  
of division (A) (3) (b) of this section if either of the following 638  
applies: 639

(1) The offender previously has been convicted of or 640  
pleaded guilty to a violation of this section or section 2903.08 641  
of the Revised Code. 642

(2) At the time of the offense, the offender was driving 643  
under suspension or cancellation under Chapter 4510. or any 644  
other provision of the Revised Code or was operating a motor 645  
vehicle or motorcycle, did not have a valid driver's license, 646  
commercial driver's license, temporary instruction permit, 647  
probationary license, or nonresident operating privilege, and 648  
was not eligible for renewal of the offender's driver's license 649  
or commercial driver's license without examination under section 650  
4507.10 of the Revised Code. 651

(F) Divisions (A) (2) (b) and (3) (b) of this section do not 652  
apply in a particular construction zone unless signs of the type 653  
described in section 2903.081 of the Revised Code are erected in 654  
that construction zone in accordance with the guidelines and 655  
design specifications established by the director of 656  
transportation under section 5501.27 of the Revised Code. The 657  
failure to erect signs of the type described in section 2903.081 658  
of the Revised Code in a particular construction zone in 659  
accordance with those guidelines and design specifications does 660  
not limit or affect the application of division (A) (1), (A) (2) 661  
(a), (A) (3) (a), or (A) (4) of this section in that construction 662  
zone or the prosecution of any person who violates any of those 663  
divisions in that construction zone. 664

(G) (1) As used in this section: 665

(a) "Mandatory prison term" and "mandatory jail term" have 666  
the same meanings as in section 2929.01 of the Revised Code. 667

(b) "Traffic-related homicide, manslaughter, or assault 668  
offense" means a violation of section 2903.04 of the Revised 669  
Code in circumstances in which division (D) of that section 670  
applies, a violation of section 2903.06 or 2903.08 of the 671  
Revised Code, or a violation of section 2903.06, 2903.07, or 672

2903.08 of the Revised Code as they existed prior to March 23, 673  
2000. 674

(c) "Construction zone" has the same meaning as in section 675  
5501.27 of the Revised Code. 676

(d) "Reckless operation offense" means a violation of 677  
section 4511.20 of the Revised Code or a municipal ordinance 678  
substantially equivalent to section 4511.20 of the Revised Code. 679

(e) "Speeding offense" means a violation of section 680  
4511.21 of the Revised Code or a municipal ordinance pertaining 681  
to speed. 682

(f) "Traffic-related murder, felonious assault, or 683  
attempted murder offense" means a violation of section 2903.01 684  
or 2903.02 of the Revised Code in circumstances in which the 685  
offender used a motor vehicle as the means to commit the 686  
violation, a violation of division (A) (2) of section 2903.11 of 687  
the Revised Code in circumstances in which the deadly weapon 688  
used in the commission of the violation is a motor vehicle, or 689  
an attempt to commit aggravated murder or murder in violation of 690  
section 2923.02 of the Revised Code in circumstances in which 691  
the offender used a motor vehicle as the means to attempt to 692  
commit the aggravated murder or murder. 693

(g) "Motor vehicle" has the same meaning as in section 694  
4501.01 of the Revised Code. 695

(2) For the purposes of this section, when a penalty or 696  
suspension is enhanced because of a prior or current violation 697  
of a specified law or a prior or current specified offense, the 698  
reference to the violation of the specified law or the specified 699  
offense includes any violation of any substantially equivalent 700  
municipal ordinance, former law of this state, or current or 701



former law of another state or the United States. 702

**Sec. 2903.08.** (A) No person, while operating or 703  
participating in the operation of a motor vehicle, motorcycle, 704  
snowmobile, locomotive, watercraft, or aircraft, shall cause 705  
serious physical harm to another person or another's unborn in 706  
any of the following ways: 707

(1) (a) As the proximate result of committing a violation 708  
of division (A) of section 4511.19 of the Revised Code or of a 709  
substantially equivalent municipal ordinance; 710

(b) As the proximate result of committing a violation of 711  
division (A) of section 1547.11 of the Revised Code or of a 712  
substantially equivalent municipal ordinance; 713

(c) As the proximate result of committing a violation of 714  
division (A) (3) of section 4561.15 of the Revised Code or of a 715  
substantially equivalent municipal ordinance. 716

(2) In one of the following ways: 717

(a) As the proximate result of committing, while operating 718  
or participating in the operation of a motor vehicle or 719  
motorcycle in a construction zone, a reckless operation offense, 720  
provided that this division applies only if the person to whom 721  
the serious physical harm is caused or to whose unborn the 722  
serious physical harm is caused is in the construction zone at 723  
the time of the offender's commission of the reckless operation 724  
offense in the construction zone and does not apply as described 725  
in division (E) of this section; 726

(b) Recklessly. 727

(3) As the proximate result of committing, while operating 728  
or participating in the operation of a motor vehicle or 729

motorcycle in a construction zone, a speeding offense, provided 730  
that this division applies only if the person to whom the 731  
serious physical harm is caused or to whose unborn the serious 732  
physical harm is caused is in the construction zone at the time 733  
of the offender's commission of the speeding offense in the 734  
construction zone and does not apply as described in division 735  
(E) of this section. 736

(B) (1) Whoever violates division (A) (1) of this section is 737  
guilty of aggravated vehicular assault. Except as otherwise 738  
provided in this division, aggravated vehicular assault is a 739  
felony of the third degree. Aggravated vehicular assault is a 740  
felony of the second degree if any of the following apply: 741

(a) At the time of the offense, the offender was driving 742  
under a suspension imposed under Chapter 4510. or any other 743  
provision of the Revised Code. 744

(b) The offender previously has been convicted of or 745  
pleaded guilty to a violation of this section. 746

(c) The offender previously has been convicted of or 747  
pleaded guilty to any traffic-related homicide, manslaughter, or 748  
assault offense. 749

(d) The offender previously has been convicted of or 750  
pleaded guilty to three or more prior violations of section 751  
4511.19 of the Revised Code or a substantially equivalent 752  
municipal ordinance within the previous ~~six~~-ten years. 753

(e) The offender previously has been convicted of or 754  
pleaded guilty to three or more prior violations of division (A) 755  
of section 1547.11 of the Revised Code or of a substantially 756  
equivalent municipal ordinance within the previous ~~six~~-ten 757  
years. 758

(f) The offender previously has been convicted of or 759  
pleaded guilty to three or more prior violations of division (A) 760  
(3) of section 4561.15 of the Revised Code or of a substantially 761  
equivalent municipal ordinance within the previous ~~six~~ten 762  
years. 763

(g) The offender previously has been convicted of or 764  
pleaded guilty to three or more prior violations of any 765  
combination of the offenses listed in division (B) (1) (d), (e), 766  
or (f) of this section. 767

(h) The offender previously has been convicted of or 768  
pleaded guilty to a second or subsequent felony violation of 769  
division (A) of section 4511.19 of the Revised Code. 770

(2) In addition to any other sanctions imposed pursuant to 771  
division (B) (1) of this section, except as otherwise provided in 772  
this division, the court shall impose upon the offender a class 773  
three suspension of the offender's driver's license, commercial 774  
driver's license, temporary instruction permit, probationary 775  
license, or nonresident operating privilege from the range 776  
specified in division (A) (3) of section 4510.02 of the Revised 777  
Code. If the offender previously has been convicted of or 778  
pleaded guilty to a violation of this section, any traffic- 779  
related homicide, manslaughter, or assault offense, or any 780  
traffic-related murder, felonious assault, or attempted murder 781  
offense, the court shall impose either a class two suspension of 782  
the offender's driver's license, commercial driver's license, 783  
temporary instruction permit, probationary license, or 784  
nonresident operating privilege from the range specified in 785  
division (A) (2) of that section or a class one suspension as 786  
specified in division (A) (1) of that section. 787

(C) (1) Whoever violates division (A) (2) or (3) of this 788

section is guilty of vehicular assault and shall be punished as 789  
provided in divisions (C) (2) and (3) of this section. 790

(2) Except as otherwise provided in this division, 791  
vehicular assault committed in violation of division (A) (2) of 792  
this section is a felony of the fourth degree. Vehicular assault 793  
committed in violation of division (A) (2) of this section is a 794  
felony of the third degree if, at the time of the offense, the 795  
offender was driving under a suspension imposed under Chapter 796  
4510. or any other provision of the Revised Code, if the 797  
offender previously has been convicted of or pleaded guilty to a 798  
violation of this section or any traffic-related homicide, 799  
manslaughter, or assault offense, or if, in the same course of 800  
conduct that resulted in the violation of division (A) (2) of 801  
this section, the offender also violated section 4549.02, 802  
4549.021, or 4549.03 of the Revised Code. 803

In addition to any other sanctions imposed, the court 804  
shall impose upon the offender a class four suspension of the 805  
offender's driver's license, commercial driver's license, 806  
temporary instruction permit, probationary license, or 807  
nonresident operating privilege from the range specified in 808  
division (A) (4) of section 4510.02 of the Revised Code or, if 809  
the offender previously has been convicted of or pleaded guilty 810  
to a violation of this section, any traffic-related homicide, 811  
manslaughter, or assault offense, or any traffic-related murder, 812  
felonious assault, or attempted murder offense, a class three 813  
suspension of the offender's driver's license, commercial 814  
driver's license, temporary instruction permit, probationary 815  
license, or nonresident operating privilege from the range 816  
specified in division (A) (3) of that section. 817

(3) Except as otherwise provided in this division, 818

vehicular assault committed in violation of division (A) (3) of 819  
this section is a misdemeanor of the first degree. Vehicular 820  
assault committed in violation of division (A) (3) of this 821  
section is a felony of the fourth degree if, at the time of the 822  
offense, the offender was driving under a suspension imposed 823  
under Chapter 4510. or any other provision of the Revised Code 824  
or if the offender previously has been convicted of or pleaded 825  
guilty to a violation of this section or any traffic-related 826  
homicide, manslaughter, or assault offense. 827

In addition to any other sanctions imposed, the court 828  
shall impose upon the offender a class four suspension of the 829  
offender's driver's license, commercial driver's license, 830  
temporary instruction permit, probationary license, or 831  
nonresident operating privilege from the range specified in 832  
division (A) (4) of section 4510.02 of the Revised Code or, if 833  
the offender previously has been convicted of or pleaded guilty 834  
to a violation of this section, any traffic-related homicide, 835  
manslaughter, or assault offense, or any traffic-related murder, 836  
felonious assault, or attempted murder offense, a class three 837  
suspension of the offender's driver's license, commercial 838  
driver's license, temporary instruction permit, probationary 839  
license, or nonresident operating privilege from the range 840  
specified in division (A) (3) of section 4510.02 of the Revised 841  
Code. 842

(D) (1) The court shall impose a mandatory prison term on 843  
an offender who is convicted of or pleads guilty to a violation 844  
of division (A) (1) of this section. 845

(2) The court shall impose a mandatory prison term on an 846  
offender who is convicted of or pleads guilty to a violation of 847  
division (A) (2) of this section or a felony violation of 848

division (A) (3) of this section if either of the following 849  
applies: 850

(a) The offender previously has been convicted of or 851  
pleaded guilty to a violation of this section or section 2903.06 852  
of the Revised Code. 853

(b) At the time of the offense, the offender was driving 854  
under suspension under Chapter 4510. or any other provision of 855  
the Revised Code. 856

(3) The court shall impose a mandatory jail term of at 857  
least seven days on an offender who is convicted of or pleads 858  
guilty to a misdemeanor violation of division (A) (3) of this 859  
section and may impose upon the offender a longer jail term as 860  
authorized pursuant to section 2929.24 of the Revised Code. 861

(E) Divisions (A) (2) (a) and (3) of this section do not 862  
apply in a particular construction zone unless signs of the type 863  
described in section 2903.081 of the Revised Code are erected in 864  
that construction zone in accordance with the guidelines and 865  
design specifications established by the director of 866  
transportation under section 5501.27 of the Revised Code. The 867  
failure to erect signs of the type described in section 2903.081 868  
of the Revised Code in a particular construction zone in 869  
accordance with those guidelines and design specifications does 870  
not limit or affect the application of division (A) (1) or (2) (b) 871  
of this section in that construction zone or the prosecution of 872  
any person who violates either of those divisions in that 873  
construction zone. 874

(F) As used in this section: 875

(1) "Mandatory prison term" and "mandatory jail term" have 876  
the same meanings as in section 2929.01 of the Revised Code. 877

(2) "Traffic-related homicide, manslaughter, or assault offense" and "traffic-related murder, felonious assault, or attempted murder offense" have the same meanings as in section 2903.06 of the Revised Code. 878  
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(3) "Construction zone" has the same meaning as in section 5501.27 of the Revised Code. 882  
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(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code. 884  
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(G) For the purposes of this section, when a penalty or suspension is enhanced because of a prior or current violation of a specified law or a prior or current specified offense, the reference to the violation of the specified law or the specified offense includes any violation of any substantially equivalent municipal ordinance, former law of this state, or current or former law of another state or the United States. 887  
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**Sec. 2929.142.** Notwithstanding the definite prison term specified in division (A) of section 2929.14 of the Revised Code for a felony of the first degree, if an offender is convicted of or pleads guilty to aggravated vehicular homicide in violation of division (A)(1) of section 2903.06 of the Revised Code, the court shall impose upon the offender a mandatory prison term of ten, eleven, twelve, thirteen, fourteen, or fifteen years if any of the following apply: 894  
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(A) The offender previously has been convicted of or pleaded guilty to three or more prior violations of section 4511.19 of the Revised Code or of a substantially equivalent municipal ordinance within the previous ~~six~~ten years. 902  
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(B) The offender previously has been convicted of or 906

pleaded guilty to three or more prior violations of division (A) 907  
of section 1547.11 of the Revised Code or of a substantially 908  
equivalent municipal ordinance within the previous ~~six~~-ten 909  
years. 910

(C) The offender previously has been convicted of or 911  
pleaded guilty to three or more prior violations of division (A) 912  
(3) of section 4561.15 of the Revised Code or of a substantially 913  
equivalent municipal ordinance within the previous ~~six~~-ten 914  
years. 915

(D) The offender previously has been convicted of or 916  
pleaded guilty to three or more prior violations of division (A) 917  
(1) of section 2903.06 of the Revised Code. 918

(E) The offender previously has been convicted of or 919  
pleaded guilty to three or more prior violations of division (A) 920  
(1) of section 2903.08 of the Revised Code. 921

(F) The offender previously has been convicted of or 922  
pleaded guilty to three or more prior violations of section 923  
2903.04 of the Revised Code in circumstances in which division 924  
(D) of that section applied regarding the violations. 925

(G) The offender previously has been convicted of or 926  
pleaded guilty to three or more violations of any combination of 927  
the offenses listed in division (A), (B), (C), (D), (E), or (F) 928  
of this section. 929

(H) The offender previously has been convicted of or 930  
pleaded guilty to a second or subsequent felony violation of 931  
division (A) of section 4511.19 of the Revised Code. 932

**Sec. 2951.01.** As used in this chapter: 933

(A) "Magistrate" has the same meaning as in section 934



|   |                          |
|---|--------------------------|
| 2931.01 of the Revised Code.  | 935                      |
| (B) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.  | 936<br>937               |
| (C) "Ignition interlock device" has the same meaning as in section <del>4511.83</del> <u>4510.01</u> of the Revised Code.   | 938<br>939               |
| (D) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.   | 940<br>941<br>942        |
| (E) "Probation agency" means a county department of probation, a multicounty department of probation, a municipal court department of probation established under section 1901.33 of the Revised Code, or the adult parole authority. | 943<br>944<br>945<br>946 |
| (F) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code.   | 947<br>948<br>949        |
| (G) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.  | 950<br>951               |
| (H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code.  | 952<br>953               |
| (I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.   | 954<br>955               |
| (J) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.   | 956<br>957               |
| (K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.  | 958<br>959<br>960        |
| <b>Sec. 2951.02.</b> (A) During the period of a misdemeanor   | 961                      |

offender's community control sanction or during the period of a 962  
felony offender's nonresidential sanction, authorized probation 963  
officers who are engaged within the scope of their supervisory 964  
duties or responsibilities may search, with or without a 965  
warrant, the person of the offender, the place of residence of 966  
the offender, and a motor vehicle, another item of tangible or 967  
intangible personal property, or other real property in which 968  
the offender has a right, title, or interest or for which the 969  
offender has the express or implied permission of a person with 970  
a right, title, or interest to use, occupy, or possess if the 971  
probation officers have reasonable grounds to believe that the 972  
offender is not abiding by the law or otherwise is not complying 973  
with the conditions of the misdemeanor offender's community 974  
control sanction or the conditions of the felony offender's 975  
nonresidential sanction. If a felony offender who is sentenced 976  
to a nonresidential sanction is under the general control and 977  
supervision of the adult parole authority, as described in 978  
division (A) (2) (a) of section 2929.15 of the Revised Code, adult 979  
parole authority field officers with supervisory 980  
responsibilities over the felony offender shall have the same 981  
search authority relative to the felony offender during the 982  
period of the sanction that is described under this division for 983  
probation officers. The court that places the misdemeanor 984  
offender under a community control sanction pursuant to section 985  
2929.25 of the Revised Code or that sentences the felony 986  
offender to a nonresidential sanction pursuant to section 987  
2929.17 of the Revised Code shall provide the offender with a 988  
written notice that informs the offender that authorized 989  
probation officers or adult parole authority field officers with 990  
supervisory responsibilities over the offender who are engaged 991  
within the scope of their supervisory duties or responsibilities 992  
may conduct those types of searches during the period of 993

community control sanction or the nonresidential sanction if 994  
they have reasonable grounds to believe that the offender is not 995  
abiding by the law or otherwise is not complying with the 996  
conditions of the offender's community control sanction or 997  
nonresidential sanction. 998

(B) If an offender is convicted of or pleads guilty to a 999  
misdemeanor, the court may require the offender, as a condition 1000  
of the offender's sentence of a community control sanction, to 1001  
perform supervised community service work in accordance with 1002  
this division. If an offender is convicted of or pleads guilty 1003  
to a felony, the court, pursuant to sections 2929.15 and 2929.17 1004  
of the Revised Code, may impose a sanction that requires the 1005  
offender to perform supervised community service work in 1006  
accordance with this division. The supervised community service 1007  
work shall be under the authority of health districts, park 1008  
districts, counties, municipal corporations, townships, other 1009  
political subdivisions of the state, or agencies of the state or 1010  
any of its political subdivisions, or under the authority of 1011  
charitable organizations that render services to the community 1012  
or its citizens, in accordance with this division. The court may 1013  
require an offender who is ordered to perform the work to pay to 1014  
it a reasonable fee to cover the costs of the offender's 1015  
participation in the work, including, but not limited to, the 1016  
costs of procuring a policy or policies of liability insurance 1017  
to cover the period during which the offender will perform the 1018  
work. 1019

A court may permit any offender convicted of a felony or a 1020  
misdemeanor to satisfy the payment of a fine imposed for the 1021  
offense pursuant to section 2929.18 or 2929.28 of the Revised 1022  
Code by performing supervised community service work as 1023  
described in this division if the offender requests an 1024

opportunity to satisfy the payment by this means and if the 1025  
court determines that the offender is financially unable to pay 1026  
the fine. 1027

After imposing a term of community service, the court may 1028  
modify the sentence to authorize a reasonable contribution to 1029  
the appropriate general fund as provided in division (B) of 1030  
section 2929.27 of the Revised Code. 1031

The supervised community service work that may be imposed 1032  
under this division shall be subject to the following 1033  
limitations: 1034

(1) The court shall fix the period of the work and, if 1035  
necessary, shall distribute it over weekends or over other 1036  
appropriate times that will allow the offender to continue at 1037  
the offender's occupation or to care for the offender's family. 1038  
The period of the work as fixed by the court shall not exceed in 1039  
the aggregate the number of hours of community service imposed 1040  
by the court pursuant to section 2929.17 or 2929.27 of the 1041  
Revised Code. 1042

(2) An agency, political subdivision, or charitable 1043  
organization must agree to accept the offender for the work 1044  
before the court requires the offender to perform the work for 1045  
the entity. A court shall not require an offender to perform 1046  
supervised community service work for an agency, political 1047  
subdivision, or charitable organization at a location that is an 1048  
unreasonable distance from the offender's residence or domicile, 1049  
unless the offender is provided with transportation to the 1050  
location where the work is to be performed. 1051

(3) A court may enter into an agreement with a county 1052  
department of job and family services for the management, 1053

placement, and supervision of offenders eligible for community 1054  
service work in work activities, developmental activities, and 1055  
alternative work activities under sections 5107.40 to 5107.69 of 1056  
the Revised Code. If a court and a county department of job and 1057  
family services have entered into an agreement of that nature, 1058  
the clerk of that court is authorized to pay directly to the 1059  
county department all or a portion of the fees collected by the 1060  
court pursuant to this division in accordance with the terms of 1061  
its agreement. 1062

(4) Community service work that a court requires under 1063  
this division shall be supervised by an official of the agency, 1064  
political subdivision, or charitable organization for which the 1065  
work is performed or by a person designated by the agency, 1066  
political subdivision, or charitable organization. The official 1067  
or designated person shall be qualified for the supervision by 1068  
education, training, or experience, and periodically shall 1069  
report, in writing, to the court and to the offender's probation 1070  
officer concerning the conduct of the offender in performing the 1071  
work. 1072

(5) The total of any period of supervised community 1073  
service work imposed on an offender under division (B) of this 1074  
section plus the period of all other sanctions imposed pursuant 1075  
to sections 2929.15, 2929.16, 2929.17, and 2929.18 of the 1076  
Revised Code for a felony, or pursuant to sections 2929.25, 1077  
2929.26, 2929.27, and 2929.28 of the Revised Code for a 1078  
misdemeanor, shall not exceed five years. 1079

(C) (1) If an offender is convicted of a violation of 1080  
section 4511.19 of the Revised Code or a substantially similar 1081  
~~municipal ordinance relating to operating a vehicle while under~~ 1082  
~~the influence of alcohol, a drug of abuse, or a combination of~~ 1083

~~them, or a municipal ordinance relating to operating a vehicle~~ 1084  
~~with a prohibited concentration of alcohol, a controlled~~ 1085  
~~substance, or a metabolite of a controlled substance in the~~ 1086  
~~whole blood, blood serum or plasma, breath, or urine, the court~~ 1087  
may require, as a condition of a community control sanction, ~~any~~ 1088  
~~suspension of a driver's or commercial driver's license or~~ 1089  
~~permit or nonresident operating privilege, and all other~~ 1090  
~~penalties provided by law or by ordinance,~~ that the offender 1091  
operate only a motor vehicle equipped with an ignition interlock 1092  
device that is certified pursuant to section 4510.43 of the 1093  
Revised Code. 1094

(2) If a court requires an offender, as a condition of a 1095  
community control sanction pursuant to division (C)(1) of this 1096  
section, to operate only a motor vehicle equipped with an 1097  
ignition interlock device that is certified pursuant to section 1098  
4510.43 of the Revised Code, the offender immediately shall 1099  
surrender the offender's driver's or commercial driver's license 1100  
or permit to the court. Upon the receipt of the offender's 1101  
license or permit, the court shall issue an order authorizing 1102  
the offender to operate a motor vehicle equipped with a 1103  
certified ignition interlock device, and deliver the offender's 1104  
license or permit to the bureau registrar of motor vehicles, ~~and~~ 1105  
~~include in the abstract of the case forwarded to the bureau~~ 1106  
~~pursuant to section 4510.036 of the Revised Code the conditions~~ 1107  
~~of the community control sanction imposed pursuant to division~~ 1108  
~~(C)(1) of this section.~~ The court also shall give the offender a 1109  
copy of its order, ~~and that copy shall be used by the offender~~ 1110  
~~in lieu of a driver's or commercial driver's license or permit~~ 1111  
~~until the bureau issues for purposes of obtaining a restricted~~ 1112  
~~license to the offender.~~ 1113

(3) An offender shall present to the registrar or to a 1114

deputy registrar the copy of the order issued under division (C) 1115  
of this section and a certificate affirming the installation of 1116  
an ignition interlock device that is in a form established by 1117  
the director of public safety and that is signed by the person 1118  
who installed the device. Upon receipt of an offender's driver's 1119  
or commercial driver's license or permit pursuant to division 1120  
(C) (2) of this section presentation of the order and 1121  
certificate, the bureau of motor vehicles registrar or deputy 1122  
registrar shall issue a restricted license to the offender, 1123  
unless the offender's driver's license or commercial driver's 1124  
license or permit is suspended under any other provision of law 1125  
and limited driving privileges have not been granted with regard 1126  
to that suspension. The restricted license shall be identical to 1127  
the surrendered license, except that it shall have printed on 1128  
its face a statement that the offender is prohibited from 1129  
operating a motor vehicle that is not equipped with an ignition 1130  
interlock device that is certified pursuant to section 4510.43 1131  
of the Revised Code. The ~~bureau~~ registrar shall deliver the 1132  
offender's surrendered license or permit to the court upon 1133  
receipt of a court order requiring it to do so, or reissue the 1134  
offender's license or permit under section 4510.52 of the 1135  
Revised Code if the registrar destroyed the offender's license 1136  
or permit under that section. The offender shall surrender the 1137  
restricted license to the court upon receipt of the offender's 1138  
surrendered license or permit. 1139

(4) If an offender violates a requirement of the court 1140  
imposed under division (C) (1) of this section, the court may 1141  
impose a class seven suspension of the offender's driver's or 1142  
commercial driver's license or permit or nonresident operating 1143  
privilege from the range specified in division (A) (7) of section 1144  
4510.02 of the Revised Code. On a second or subsequent 1145

violation, the court may impose a class four suspension of the 1146  
offender's driver's or commercial driver's license or permit or 1147  
nonresident operating privilege from the range specified in 1148  
division (A) (4) of section 4510.02 of the Revised Code. 1149

**Sec. 3327.10.** (A) No person shall be employed as driver of 1150  
a school bus or motor van, owned and operated by any school 1151  
district or educational service center or privately owned and 1152  
operated under contract with any school district or service 1153  
center in this state, who has not received a certificate from 1154  
either the educational service center governing board that has 1155  
entered into an agreement with the school district under section 1156  
3313.843 or 3313.845 of the Revised Code or the superintendent 1157  
of the school district, certifying that such person is at least 1158  
eighteen years of age and is of good moral character and is 1159  
qualified physically and otherwise for such position. The 1160  
service center governing board or the superintendent, as the 1161  
case may be, shall provide for an annual physical examination 1162  
that conforms with rules adopted by the state board of education 1163  
of each driver to ascertain the driver's physical fitness for 1164  
such employment. Any certificate may be revoked by the authority 1165  
granting the same on proof that the holder has been guilty of 1166  
failing to comply with division (D) (1) of this section, or upon 1167  
a conviction or a guilty plea for a violation, or any other 1168  
action, that results in a loss or suspension of driving rights. 1169  
Failure to comply with such division may be cause for 1170  
disciplinary action or termination of employment under division 1171  
(C) of section 3319.081, or section 124.34 of the Revised Code. 1172

(B) No person shall be employed as driver of a school bus 1173  
or motor van not subject to the rules of the department of 1174  
education pursuant to division (A) of this section who has not 1175  
received a certificate from the school administrator or 1176



contractor certifying that such person is at least eighteen 1177  
years of age, is of good moral character, and is qualified 1178  
physically and otherwise for such position. Each driver shall 1179  
have an annual physical examination which conforms to the state 1180  
highway patrol rules, ascertaining the driver's physical fitness 1181  
for such employment. The examination shall be performed by one 1182  
of the following: 1183

(1) A person licensed under Chapter 4731. of the Revised 1184  
Code or by another state to practice medicine and surgery or 1185  
osteopathic medicine and surgery; 1186

(2) A physician assistant; 1187

(3) A certified nurse practitioner; 1188

(4) A clinical nurse specialist; 1189

(5) A certified nurse-midwife. 1190

Any written documentation of the physical examination 1191  
shall be completed by the individual who performed the 1192  
examination. 1193

Any certificate may be revoked by the authority granting 1194  
the same on proof that the holder has been guilty of failing to 1195  
comply with division (D) (2) of this section. 1196

(C) Any person who drives a school bus or motor van must 1197  
give satisfactory and sufficient bond except a driver who is an 1198  
employee of a school district and who drives a bus or motor van 1199  
owned by the school district. 1200

(D) No person employed as driver of a school bus or motor 1201  
van under this section who is convicted of a traffic violation 1202  
or who has had the person's commercial driver's license 1203  
suspended shall drive a school bus or motor van until the person 1204

has filed a written notice of the conviction or suspension, as 1205  
follows: 1206

(1) If the person is employed under division (A) of this 1207  
section, the person shall file the notice with the 1208  
superintendent, or a person designated by the superintendent, of 1209  
the school district for which the person drives a school bus or 1210  
motor van as an employee or drives a privately owned and 1211  
operated school bus or motor van under contract. 1212

(2) If employed under division (B) of this section, the 1213  
person shall file the notice with the employing school 1214  
administrator or contractor, or a person designated by the 1215  
administrator or contractor. 1216

(E) In addition to resulting in possible revocation of a 1217  
certificate as authorized by divisions (A) and (B) of this 1218  
section, violation of division (D) of this section is a minor 1219  
misdemeanor. 1220

(F) (1) Not later than thirty days after June 30, 2007, 1221  
each owner of a school bus or motor van shall obtain the 1222  
complete driving record for each person who is currently 1223  
employed or otherwise authorized to drive the school bus or 1224  
motor van. An owner of a school bus or motor van shall not 1225  
permit a person to operate the school bus or motor van for the 1226  
first time before the owner has obtained the person's complete 1227  
driving record. Thereafter, the owner of a school bus or motor 1228  
van shall obtain the person's driving record not less frequently 1229  
than semiannually if the person remains employed or otherwise 1230  
authorized to drive the school bus or motor van. An owner of a 1231  
school bus or motor van shall not permit a person to resume 1232  
operating a school bus or motor van, after an interruption of 1233  
one year or longer, before the owner has obtained the person's 1234

complete driving record. 1235

(2) The owner of a school bus or motor van shall not 1236  
permit a person to operate the school bus or motor van for ~~six-~~ 1237  
ten years after the date on which the person pleads guilty to or 1238  
is convicted of a violation of section 4511.19 of the Revised 1239  
Code or a substantially equivalent municipal ordinance. 1240

(3) An owner of a school bus or motor van shall not permit 1241  
any person to operate such a vehicle unless the person meets all 1242  
other requirements contained in rules adopted by the state board 1243  
of education prescribing qualifications of drivers of school 1244  
buses and other student transportation. 1245

(G) No superintendent of a school district, educational 1246  
service center, community school, or public or private employer 1247  
shall permit the operation of a vehicle used for pupil 1248  
transportation within this state by an individual unless both of 1249  
the following apply: 1250

(1) Information pertaining to that driver has been 1251  
submitted to the department of education, pursuant to procedures 1252  
adopted by that department. Information to be reported shall 1253  
include the name of the employer or school district, name of the 1254  
driver, driver license number, date of birth, date of hire, 1255  
status of physical evaluation, and status of training. 1256

(2) The most recent criminal records check required by 1257  
division (J) of this section has been completed and received by 1258  
the superintendent or public or private employer. 1259

(H) A person, school district, educational service center, 1260  
community school, nonpublic school, or other public or nonpublic 1261  
entity that owns a school bus or motor van, or that contracts 1262  
with another entity to operate a school bus or motor van, may 1263

impose more stringent restrictions on drivers than those 1264  
prescribed in this section, in any other section of the Revised 1265  
Code, and in rules adopted by the state board. 1266

(I) For qualified drivers who, on July 1, 2007, are 1267  
employed by the owner of a school bus or motor van to drive the 1268  
school bus or motor van, any instance in which the driver was 1269  
convicted of or pleaded guilty to a violation of section 4511.19 1270  
of the Revised Code or a substantially equivalent municipal 1271  
ordinance prior to two years prior to July 1, 2007, shall not be 1272  
considered a disqualifying event with respect to division (F) of 1273  
this section. 1274

(J)(1) This division applies to persons hired by a school 1275  
district, educational service center, community school, 1276  
chartered nonpublic school, or science, technology, engineering, 1277  
and mathematics school established under Chapter 3326. of the 1278  
Revised Code to operate a vehicle used for pupil transportation. 1279

For each person to whom this division applies who is hired 1280  
on or after November 14, 2007, the employer shall request a 1281  
criminal records check in accordance with section 3319.39 of the 1282  
Revised Code and every six years thereafter. For each person to 1283  
whom this division applies who is hired prior to that date, the 1284  
employer shall request a criminal records check by a date 1285  
prescribed by the department of education and every six years 1286  
thereafter. 1287

(2) This division applies to persons hired by a public or 1288  
private employer not described in division (J)(1) of this 1289  
section to operate a vehicle used for pupil transportation. 1290

For each person to whom this division applies who is hired 1291  
on or after November 14, 2007, the employer shall request a 1292

criminal records check prior to the person's hiring and every 1293  
six years thereafter. For each person to whom this division 1294  
applies who is hired prior to that date, the employer shall 1295  
request a criminal records check by a date prescribed by the 1296  
department and every six years thereafter. 1297

(3) Each request for a criminal records check under 1298  
division (J) of this section shall be made to the superintendent 1299  
of the bureau of criminal identification and investigation in 1300  
the manner prescribed in section 3319.39 of the Revised Code, 1301  
except that if both of the following conditions apply to the 1302  
person subject to the records check, the employer shall request 1303  
the superintendent only to obtain any criminal records that the 1304  
federal bureau of investigation has on the person: 1305

(a) The employer previously requested the superintendent 1306  
to determine whether the bureau of criminal identification and 1307  
investigation has any information, gathered pursuant to division 1308  
(A) of section 109.57 of the Revised Code, on the person in 1309  
conjunction with a criminal records check requested under 1310  
section 3319.39 of the Revised Code or under division (J) of 1311  
this section. 1312

(b) The person presents proof that the person has been a 1313  
resident of this state for the five-year period immediately 1314  
prior to the date upon which the person becomes subject to a 1315  
criminal records check under this section. 1316

Upon receipt of a request, the superintendent shall 1317  
conduct the criminal records check in accordance with section 1318  
109.572 of the Revised Code as if the request had been made 1319  
under section 3319.39 of the Revised Code. However, as specified 1320  
in division (B) (2) of section 109.572 of the Revised Code, if 1321  
the employer requests the superintendent only to obtain any 1322

criminal records that the federal bureau of investigation has on 1323  
the person for whom the request is made, the superintendent 1324  
shall not conduct the review prescribed by division (B) (1) of 1325  
that section. 1326

(K) (1) Until the effective date of the amendments to rule 1327  
3301-83-23 of the Ohio Administrative Code required by the 1328  
second paragraph of division (E) of section 3319.39 of the 1329  
Revised Code, any person who is the subject of a criminal 1330  
records check under division (J) of this section and has been 1331  
convicted of or pleaded guilty to any offense described in 1332  
division (B) (1) of section 3319.39 of the Revised Code shall not 1333  
be hired or shall be released from employment, as applicable, 1334  
unless the person meets the rehabilitation standards prescribed 1335  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 1336  
Administrative Code. 1337

(2) Beginning on the effective date of the amendments to 1338  
rule 3301-83-23 of the Ohio Administrative Code required by the 1339  
second paragraph of division (E) of section 3319.39 of the 1340  
Revised Code, any person who is the subject of a criminal 1341  
records check under division (J) of this section and has been 1342  
convicted of or pleaded guilty to any offense that, under the 1343  
rule, disqualifies a person for employment to operate a vehicle 1344  
used for pupil transportation shall not be hired or shall be 1345  
released from employment, as applicable, unless the person meets 1346  
the rehabilitation standards prescribed by the rule. 1347

**Sec. 4510.022.** (A) As used in this section: 1348

(1) "First-time offender" means a person whose driver's 1349  
license or commercial driver's license or permit or nonresident 1350  
operating privilege has been suspended for being convicted of, 1351  
or pleading guilty to, an OVI offense under any of the 1352

following: 1353

(a) Division (G) (1) (a) or (H) (1) of section 4511.19 of the 1354  
Revised Code; 1355

(b) Section 4510.07 of the Revised Code for a municipal 1356  
OVI offense when the offense is equivalent to an offense under 1357  
division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised 1358  
Code; 1359

(c) Division (B) or (D) of section 4510.17 of the Revised 1360  
Code when the offense is equivalent to an offense under division 1361  
(G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code. 1362

(2) "OVI offense" means a violation of section 4511.19 of 1363  
the Revised Code or a violation of a substantially similar 1364  
municipal ordinance or law of another state or the United 1365  
States. 1366

(3) "Unlimited driving privileges" means driving 1367  
privileges that are unrestricted as to purpose, time, and place, 1368  
but that are subject to any other reasonable conditions imposed 1369  
by a court under division (C) (2) of this section. 1370

(B) A first-time offender may file a petition for 1371  
unlimited driving privileges with a certified ignition interlock 1372  
device during the period of suspension imposed for an OVI 1373  
offense in the same manner and in the same venue as the person 1374  
is permitted to apply for limited driving privileges. 1375

(C) (1) With regard to a first-time offender, in any 1376  
circumstance in which a court is authorized to grant limited 1377  
driving privileges under section 4510.021, 4510.13, or 4510.17 1378  
of the Revised Code during the period of suspension, as 1379  
applicable, the court may instead grant unlimited driving 1380  
privileges with a certified ignition interlock device. No court 1381

shall grant unlimited driving privileges with a certified 1382  
ignition interlock device during any period, or under any 1383  
circumstance, that the court is prohibited from granting limited 1384  
driving privileges. 1385

(2) All of the following apply when a court grants 1386  
unlimited driving privileges with a certified ignition interlock 1387  
device to a first-time offender: 1388

(a) The court shall issue an order authorizing the first- 1389  
time offender to operate a motor vehicle only if the vehicle is 1390  
equipped with a certified ignition interlock device, except as 1391  
provided in division (C) of section 4510.43 of the Revised Code. 1392  
The order may include any reasonable conditions other than 1393  
conditions that restrict the driving privileges in terms of 1394  
purpose, time, or place. 1395

The court shall provide to the first-time offender a copy 1396  
of the order and a notice that the first-time offender is 1397  
subject to the sanctions specified in division (E) of this 1398  
section. 1399

The court also shall submit a copy of the order to the 1400  
registrar of motor vehicles. 1401

(b) The court may reduce the period of suspension imposed 1402  
by the court by an amount of time not greater than half the 1403  
period of suspension. 1404

(c) The court shall suspend any jail term imposed for the 1405  
OVI offense. The court shall retain jurisdiction over the first- 1406  
time offender until the expiration of the period of suspension 1407  
imposed for the OVI offense and, if the offender violates any 1408  
term or condition of the order during the period of suspension, 1409  
the court shall require the first-time offender to serve the 1410



jail term. 1411

(D) (1) A first-time offender shall present to the 1412  
registrar or to a deputy registrar an order issued under this 1413  
section and a certificate affirming the installation of a 1414  
certified ignition interlock device that is in a form 1415  
established by the director of public safety and that is signed 1416  
by the person who installed the device. Upon presentation of the 1417  
order and certificate to the registrar or a deputy registrar, 1418  
the registrar or deputy registrar shall issue the offender a 1419  
restricted license, unless the offender's driver's or commercial 1420  
driver's license or permit is suspended under any other 1421  
provision of law and limited driving privileges have not been 1422  
granted with regard to that suspension. A restricted license 1423  
issued under this division shall be identical to an Ohio 1424  
driver's license, except that it shall have printed on its face 1425  
a statement that the offender is prohibited from operating any 1426  
motor vehicle that is not equipped with a certified ignition 1427  
interlock device. 1428

(2) (a) No person who has been granted unlimited driving 1429  
privileges with a certified ignition interlock device under this 1430  
section shall operate a motor vehicle prior to obtaining a 1431  
restricted license. Any person who violates this prohibition is 1432  
subject to the penalties prescribed in section 4510.14 of the 1433  
Revised Code. 1434

(b) The offense established under division (D) (2) (a) of 1435  
this section is a strict liability offense and section 2901.20 1436  
of the Revised Code does not apply. 1437

(E) If a first-time offender has been granted unlimited 1438  
driving privileges with a certified ignition interlock device 1439  
under this section and the first-time offender either commits an 1440

ignition interlock device violation as defined under section 1441  
4510.46 of the Revised Code or the first-time offender operates 1442  
a motor vehicle that is not equipped with a certified ignition 1443  
interlock device, the following applies: 1444

(1) On a first violation, the court may require the first- 1445  
time offender to wear a monitor that provides continuous alcohol 1446  
monitoring that is remote. 1447

(2) On a second violation, the court shall require the 1448  
first-time offender to wear a monitor that provides continuous 1449  
alcohol monitoring that is remote for a minimum of forty days. 1450

(3) On a third or subsequent violation, the court shall 1451  
require the first-time offender to wear a monitor that provides 1452  
continuous alcohol monitoring that is remote for a minimum of 1453  
sixty days. 1454

(4) With regard to any instance, the judge may increase 1455  
the period of suspension and the period during which the first- 1456  
time offender must drive a motor vehicle equipped with a 1457  
certified ignition interlock device in the same manner as 1458  
provided in division (A) (8) (c) of section 4510.13 of the Revised 1459  
Code. The limitation under division (E) of section 4510.46 of 1460  
the Revised Code applies to an increase under division (E) (4) of 1461  
this section. 1462

(5) If the instance occurred within sixty days of the end 1463  
of the suspension of the offender's driver's or commercial 1464  
driver's license or permit or nonresident operating privilege 1465  
and the court does not increase the period of the suspension 1466  
under division (E) (4) of this section, the court shall proceed 1467  
as follows: 1468

(a) Issue an order extending the period of suspension and 1469

the period of time during which the first-time offender must 1470  
drive a vehicle equipped with a certified ignition interlock 1471  
device so that the suspension terminates sixty days from the 1472  
date the offender committed that violation. 1473

(b) For each violation subsequent to a violation for which 1474  
an extension was ordered under division (E) (5) (a) of this 1475  
section, issue an order extending the period of suspension and 1476  
the period of time during which the first-time offender must 1477  
drive a vehicle equipped with a certified ignition interlock 1478  
device so that the suspension terminates sixty days from the 1479  
date the offender committed that violation. 1480

The registrar of motor vehicles is prohibited from 1481  
reinstating a first-time offender's license unless the 1482  
applicable period of suspension has been served and no ignition 1483  
interlock device violations have been committed within the sixty 1484  
days prior to the application for reinstatement. 1485

(F) With respect to an order issued under this section, 1486  
the judge shall impose an additional court cost of two dollars 1487  
and fifty cents upon the first-time offender. The judge shall 1488  
not waive this payment unless the judge determines that the 1489  
first-time offender is indigent and waives the payment of all 1490  
court costs imposed upon the indigent first-time offender. The 1491  
clerk of court shall transmit one hundred per cent of this 1492  
mandatory court cost collected during a month on or before the 1493  
twenty-third day of the following month to the state treasury to 1494  
be credited to the state highway safety fund created under 1495  
section 4501.06 of the Revised Code. The department of public 1496  
safety shall use the amounts collected to cover costs associated 1497  
with maintaining the habitual OVI/OMWI offender registry created 1498  
under section 5502.10 of the Revised Code. 1499

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

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

(2) No judge or mayor shall suspend the following portions of the suspension of an offender's driver's or commercial driver's license or permit or nonresident operating privilege imposed under division (G) or (H) of section 4511.19 of the Revised Code or under section 4510.07 of the Revised Code for a conviction of a violation of a municipal OVI ordinance, provided that division (A) (2) of this section does not limit a court or mayor in crediting any period of suspension imposed pursuant to division (B) or (C) of section 4511.191 of the Revised Code against any time of judicial suspension imposed pursuant to section 4511.19 or 4510.07 of the Revised Code, as described in divisions (B) (2) and (C) (2) of section 4511.191 of the Revised Code:

(a) The first six months of a suspension imposed under

division (G) (1) (a) of section 4511.19 of the Revised Code or of 1530  
a comparable length suspension imposed under section 4510.07 of 1531  
the Revised Code; 1532

(b) The first year of a suspension imposed under division 1533  
(G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a 1534  
comparable length suspension imposed under section 4510.07 of 1535  
the Revised Code; 1536

(c) The first three years of a suspension imposed under 1537  
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1538  
or of a comparable length suspension imposed under section 1539  
4510.07 of the Revised Code; 1540

(d) The first sixty days of a suspension imposed under 1541  
division (H) of section 4511.19 of the Revised Code or of a 1542  
comparable length suspension imposed under section 4510.07 of 1543  
the Revised Code. 1544

(3) No judge or mayor shall grant limited driving 1545  
privileges to an offender whose driver's or commercial driver's 1546  
license or permit or nonresident operating privilege has been 1547  
suspended under division (G) or (H) of section 4511.19 of the 1548  
Revised Code, under division (C) of section 4511.191 of the 1549  
Revised Code, or under section 4510.07 of the Revised Code for a 1550  
municipal OVI conviction if the offender, within the preceding 1551  
~~six~~ten years, has been convicted of or pleaded guilty to three 1552  
or more violations of one or more of the Revised Code sections, 1553  
municipal ordinances, statutes of the United States or another 1554  
state, or municipal ordinances of a municipal corporation of 1555  
another state that are identified in divisions (G) (2) (b) to (h) 1556  
of section 2919.22 of the Revised Code. 1557

Additionally, no judge or mayor shall grant limited 1558

driving privileges to an offender whose driver's or commercial 1559  
driver's license or permit or nonresident operating privilege 1560  
has been suspended under division (B) of section 4511.191 of the 1561  
Revised Code if the offender, within the preceding ~~six~~-ten 1562  
years, has refused three previous requests to consent to a 1563  
chemical test of the person's whole blood, blood serum or 1564  
plasma, breath, or urine to determine its alcohol content. 1565

(4) No judge or mayor shall grant limited driving 1566  
privileges for employment as a driver of commercial motor 1567  
vehicles to an offender whose driver's or commercial driver's 1568  
license or permit or nonresident operating privilege has been 1569  
suspended under division (G) or (H) of section 4511.19 of the 1570  
Revised Code, under division (B) or (C) of section 4511.191 of 1571  
the Revised Code, or under section 4510.07 of the Revised Code 1572  
for a municipal OVI conviction if the offender is disqualified 1573  
from operating a commercial motor vehicle, or whose license or 1574  
permit has been suspended, under section 3123.58 or 4506.16 of 1575  
the Revised Code. 1576

(5) No judge or mayor shall grant limited driving 1577  
privileges to an offender whose driver's or commercial driver's 1578  
license or permit or nonresident operating privilege has been 1579  
suspended under division (G) or (H) of section 4511.19 of the 1580  
Revised Code, under division (C) of section 4511.191 of the 1581  
Revised Code, or under section 4510.07 of the Revised Code for a 1582  
conviction of a violation of a municipal OVI ordinance during 1583  
any of the following periods of time: 1584

(a) The first fifteen days of a suspension imposed under 1585  
division (G)(1)(a) of section 4511.19 of the Revised Code or a 1586  
comparable length suspension imposed under section 4510.07 of 1587  
the Revised Code, or of a suspension imposed under division (C) 1588

(1) (a) of section 4511.191 of the Revised Code. On or after the 1589  
sixteenth day of the suspension, the court may grant limited 1590  
driving privileges, but the court may require that the offender 1591  
shall not exercise the privileges unless the vehicles the 1592  
offender operates are equipped with immobilizing or disabling 1593  
devices that monitor the offender's alcohol consumption or any 1594  
other type of immobilizing or disabling devices, except as 1595  
provided in division (C) of section 4510.43 of the Revised Code. 1596

(b) The first forty-five days of a suspension imposed 1597  
under division (C) (1) (b) of section 4511.191 of the Revised 1598  
Code. On or after the forty-sixth day of suspension, the court 1599  
may grant limited driving privileges, but the court may require 1600  
that the offender shall not exercise the privileges unless the 1601  
vehicles the offender operates are equipped with immobilizing or 1602  
disabling devices that monitor the offender's alcohol 1603  
consumption or any other type of immobilizing or disabling 1604  
devices, except as provided in division (C) of section 4510.43 1605  
of the Revised Code. 1606

(c) The first sixty days of a suspension imposed under 1607  
division (H) of section 4511.19 of the Revised Code or a 1608  
comparable length suspension imposed under section 4510.07 of 1609  
the Revised Code. 1610

(d) The first one hundred eighty days of a suspension 1611  
imposed under division (C) (1) (c) of section 4511.191 of the 1612  
Revised Code. On or after the one hundred eighty-first day of 1613  
suspension, the court may grant limited driving privileges, and 1614  
either of the following applies: 1615

(i) If the underlying arrest is alcohol-related, the court 1616  
shall issue an order that, except as provided in division (C) of 1617  
section 4510.43 of the Revised Code, for the remainder of the 1618

period of suspension the offender shall not exercise the 1619  
privileges unless the vehicles the offender operates are 1620  
equipped with a certified ignition interlock device. 1621

(ii) If the underlying arrest is drug-related, the court 1622  
in its discretion may issue an order that, except as provided in 1623  
division (C) of section 4510.43 of the Revised Code, for the 1624  
remainder of the period of suspension the offender shall not 1625  
exercise the privileges unless the vehicles the offender 1626  
operates are equipped with a certified ignition interlock 1627  
device. 1628

(e) The first forty-five days of a suspension imposed 1629  
under division (G)(1)(b) of section 4511.19 of the Revised Code 1630  
or a comparable length suspension imposed under section 4510.07 1631  
of the Revised Code. On or after the forty-sixth day of the 1632  
suspension, the court may grant limited driving privileges, and 1633  
either of the following applies: 1634

(i) If the underlying conviction is alcohol-related, the 1635  
court shall issue an order that, except as provided in division 1636  
(C) of section 4510.43 of the Revised Code, for the remainder of 1637  
the period of suspension the offender shall not exercise the 1638  
privileges unless the vehicles the offender operates are 1639  
equipped with a certified ignition interlock device. 1640

(ii) If the underlying conviction is drug-related, the 1641  
court in its discretion may issue an order that, except as 1642  
provided in division (C) of section 4510.43 of the Revised Code, 1643  
for the remainder of the period of suspension the offender shall 1644  
not exercise the privileges unless the vehicles the offender 1645  
operates are equipped with a certified ignition interlock 1646  
device. 1647



(f) The first one hundred eighty days of a suspension 1648  
imposed under division (G) (1) (c) of section 4511.19 of the 1649  
Revised Code or a comparable length suspension imposed under 1650  
section 4510.07 of the Revised Code. On or after the one hundred 1651  
eighty-first day of the suspension, the court may grant limited 1652  
driving privileges, and either of the following applies: 1653

(i) If the underlying conviction is alcohol-related, the 1654  
court shall issue an order that, except as provided in division 1655  
(C) of section 4510.43 of the Revised Code, for the remainder of 1656  
the period of suspension the offender shall not exercise the 1657  
privileges unless the vehicles the offender operates are 1658  
equipped with a certified ignition interlock device. 1659

(ii) If the underlying conviction is drug-related, the 1660  
court in its discretion may issue an order that, except as 1661  
provided in division (C) of section 4510.43 of the Revised Code, 1662  
for the remainder of the period of suspension the offender shall 1663  
not exercise the privileges unless the vehicles the offender 1664  
operates are equipped with a certified ignition interlock 1665  
device. 1666

(g) The first three years of a suspension imposed under 1667  
division (G) (1) (d) or (e) of section 4511.19 of the Revised Code 1668  
or a comparable length suspension imposed under section 4510.07 1669  
of the Revised Code, or of a suspension imposed under division 1670  
(C) (1) (d) of section 4511.191 of the Revised Code. On or after 1671  
the first three years of suspension, the court may grant limited 1672  
driving privileges, and either of the following applies: 1673

(i) If the underlying conviction is alcohol-related, the 1674  
court shall issue an order that, except as provided in division 1675  
(C) of section 4510.43 of the Revised Code, for the remainder of 1676  
the period of suspension the offender shall not exercise the 1677

privileges unless the vehicles the offender operates are 1678  
equipped with a certified ignition interlock device. 1679

(ii) If the underlying conviction is drug-related, the 1680  
court in its discretion may issue an order that, except as 1681  
provided in division (C) of section 4510.43 of the Revised Code, 1682  
for the remainder of the period of suspension the offender shall 1683  
not exercise the privileges unless the vehicles the offender 1684  
operates are equipped with a certified ignition interlock 1685  
device. 1686

(6) No judge or mayor shall grant limited driving 1687  
privileges to an offender whose driver's or commercial driver's 1688  
license or permit or nonresident operating privilege has been 1689  
suspended under division (B) of section 4511.191 of the Revised 1690  
Code during any of the following periods of time: 1691

(a) The first thirty days of suspension imposed under 1692  
division (B) (1) (a) of section 4511.191 of the Revised Code; 1693

(b) The first ninety days of suspension imposed under 1694  
division (B) (1) (b) of section 4511.191 of the Revised Code; 1695

(c) The first year of suspension imposed under division 1696  
(B) (1) (c) of section 4511.191 of the Revised Code; 1697

(d) The first three years of suspension imposed under 1698  
division (B) (1) (d) of section 4511.191 of the Revised Code. 1699

(7) In any case in which a judge or mayor grants limited 1700  
driving privileges to an offender whose driver's or commercial 1701  
driver's license or permit or nonresident operating privilege 1702  
has been suspended under division (G) (1) ~~(b)~~, (c), (d), or (e) of 1703  
section 4511.19 of the Revised Code, under division (G) (1) (a) or 1704  
(b) of section 4511.19 of the Revised Code for a violation of 1705  
division (A) (1) (f), (g), (h), or (i) of that section, or under 1706

section 4510.07 of the Revised Code for a municipal OVI 1707  
conviction for which sentence would have been imposed under 1708  
division (G) (1) (a) (ii) or (G) (1) (b) (ii) or (G) (1) ~~(b)~~, (c), (d), 1709  
or (e) of section 4511.19 of the Revised Code had the offender 1710  
been charged with and convicted of a violation of section 1711  
4511.19 of the Revised Code instead of a violation of the 1712  
municipal OVI ordinance, the judge or mayor shall impose as a 1713  
condition of the privileges that the offender must display on 1714  
the vehicle that is driven subject to the privileges restricted 1715  
license plates that are issued under section 4503.231 of the 1716  
Revised Code, except as provided in division (B) of that 1717  
section. 1718

(8) In any case in which ~~the an offender operates is~~ 1719  
required by a court under this section to operate a motor 1720  
vehicle that is ~~not~~ equipped with an a certified ignition 1721  
interlock device, ~~circumvents the device, or tampers with the~~ 1722  
~~device or in any case in which the court receives notice~~ 1723  
~~pursuant to section 4510.46 of the Revised Code that a certified~~ 1724  
~~ignition interlock device required by an order issued under~~ 1725  
~~division (A) (5) (e), (f), or (g) of this section prevented an~~ 1726  
~~offender from starting a motor vehicle~~ and either the offender 1727  
commits an ignition interlock device violation as defined under 1728  
section 4510.46 of the Revised Code or the offender operates a 1729  
motor vehicle that is not equipped with a certified ignition 1730  
interlock device, the following applies: 1731

(a) If the offender was sentenced under division (G) (1) (a) 1732  
or (b) or division (H) of section 4511.19 of the Revised Code, 1733  
on a first instance the court may require the offender to wear a 1734  
monitor that provides continuous alcohol monitoring that is 1735  
remote. On a second instance, the court shall require the 1736  
offender to wear a monitor that provides continuous alcohol 1737

monitoring that is remote for a minimum of forty days. On a 1738  
third instance or more, the court shall require the offender to 1739  
wear a monitor that provides continuous alcohol monitoring that 1740  
is remote for a minimum of sixty days. 1741

(b) If the offender was sentenced under division (G) (1) 1742  
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 1743  
first instance the court shall require the offender to wear a 1744  
monitor that provides continuous alcohol monitoring that is 1745  
remote for a minimum of forty days. On a second instance or 1746  
more, the court shall require the offender to wear a monitor 1747  
that provides continuous alcohol monitoring that is remote for a 1748  
minimum of sixty days. 1749

(c) The court may increase the period of suspension of the 1750  
offender's driver's or commercial driver's license or permit or 1751  
nonresident operating privilege from that originally imposed by 1752  
the court by a factor of two and may increase the period of time 1753  
during which the offender will be prohibited from exercising any 1754  
limited driving privileges granted to the offender unless the 1755  
vehicles the offender operates are equipped with a certified 1756  
ignition interlock device by a factor of two. The limitation 1757  
under division (E) of section 4510.46 of the Revised Code 1758  
applies to an increase under division (A) (8) (c) of this section. 1759

(d) If the violation occurred within sixty days of the end 1760  
of the suspension of the offender's driver's or commercial 1761  
driver's license or permit or nonresident operating privilege 1762  
and the court does not impose an increase in the period of the 1763  
suspension under division (A) (8) (c) of this section, the court 1764  
shall proceed as follows: 1765

(i) Issue an order extending the period of suspension and 1766  
the grant of limited driving privileges with a required 1767

certified ignition interlock device so that the suspension 1768  
terminates sixty days from the date the offender committed that 1769  
violation. 1770

(ii) For each violation subsequent to a violation for 1771  
which an extension was ordered under division (A) (8) (d) (i) of 1772  
this section, issue an order extending the period of suspension 1773  
and the grant of limited driving privileges with a required 1774  
certified ignition interlock device so that the suspension 1775  
terminates sixty days from the date the offender committed that 1776  
violation. 1777

The registrar of motor vehicles is prohibited from 1778  
reinstating an offender's license unless the applicable period 1779  
of suspension has been served and no ignition interlock device 1780  
violations have been committed within the sixty days prior to 1781  
the application for reinstatement. 1782

(9) At the time the court issues an order under this 1783  
section requiring an offender to use an ignition interlock 1784  
device, the court shall provide notice to the offender of each 1785  
action the court is authorized or required to take under 1786  
division (A) (8) of this section if the offender circumvents or 1787  
tampers with the device or in any case in which the court 1788  
receives notice pursuant to section 4510.46 of the Revised Code 1789  
that a device prevented an offender from starting a motor 1790  
vehicle. 1791

(10) In any case in which the court issues an order under 1792  
this section prohibiting an offender from exercising limited 1793  
driving privileges unless the vehicles the offender operates are 1794  
equipped with an immobilizing or disabling device, including a 1795  
certified ignition interlock device, or requires an offender to 1796  
wear a monitor that provides continuous alcohol monitoring that 1797

is remote, the court shall impose an additional court cost of 1798  
two dollars and fifty cents upon the offender. The court shall 1799  
not waive the payment of the two dollars and fifty cents unless 1800  
the court determines that the offender is indigent and waives 1801  
the payment of all court costs imposed upon the indigent 1802  
offender. The clerk of court shall transmit one hundred per cent 1803  
of this mandatory court cost collected during a month on or 1804  
before the twenty-third day of the following month to the state 1805  
treasury to be credited to the state highway safety fund created 1806  
under section 4501.06 of the Revised Code, to be used by the 1807  
department of public safety to cover costs associated with 1808  
maintaining the habitual OVI/OMWI offender registry created 1809  
under section 5502.10 of the Revised Code. In its discretion the 1810  
court may impose an additional court cost of two dollars and 1811  
fifty cents upon the offender. The clerk of court shall retain 1812  
this discretionary two dollar and fifty cent court cost, if 1813  
imposed, and shall deposit it in the court's special projects 1814  
fund that is established under division (E) (1) of section 1815  
2303.201, division (B) (1) of section 1901.26, or division (B) (1) 1816  
of section 1907.24 of the Revised Code. 1817

~~(10) In any case in which the court issues an order under 1818  
this section prohibiting an offender from exercising limited 1819  
driving privileges unless the vehicles the offender operates are 1820  
equipped with an immobilizing or disabling device, including a 1821  
certified ignition interlock device, the court shall notify the 1822  
offender at the time the offender is granted limited driving 1823  
privileges that, in accordance with section 4510.46 of the 1824  
Revised Code, if the court receives notice that the device 1825  
prevented the offender from starting the motor vehicle because 1826  
the device was tampered with or circumvented or because the 1827  
analysis of the deep lung breath sample or other method employed 1828~~

~~by the device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the device from permitting the motor vehicle to be started, the court may increase the period of suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege from that originally imposed by the court by a factor of two and may increase the period of time during which the offender will be prohibited from exercising any limited driving privileges granted to the offender unless the vehicles the offender operates are equipped with a certified ignition interlock device by a factor of two.~~

(B) Any person whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 4511.19 or 4511.191 of the Revised Code or under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance may file a petition for limited driving privileges during the suspension. The person shall file the petition in the court that has jurisdiction over the place of arrest. Subject to division (A) of this section, the court may grant the person limited driving privileges during the period during which the suspension otherwise would be imposed. However, the court shall not grant the privileges for employment as a driver of a commercial motor vehicle to any person who is disqualified from operating a commercial motor vehicle under section 4506.16 of the Revised Code or during any of the periods prescribed by division (A) of this section.

(C) (1) After a driver's or commercial driver's license or permit or nonresident operating privilege has been suspended pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02,

4549.021, or 5743.99 of the Revised Code, any provision of 1860  
Chapter 2925. of the Revised Code, or section 4510.07 of the 1861  
Revised Code for a violation of a municipal OVI ordinance, the 1862  
judge of the court or mayor of the mayor's court that suspended 1863  
the license, permit, or privilege shall cause the offender to 1864  
deliver to the court the license or permit. The judge, mayor, or 1865  
clerk of the court or mayor's court shall forward to the 1866  
registrar the license or permit together with notice of the 1867  
action of the court. 1868

(2) A suspension of a commercial driver's license under 1869  
any section or chapter identified in division (C)(1) of this 1870  
section shall be concurrent with any period of suspension or 1871  
disqualification under section 3123.58 or 4506.16 of the Revised 1872  
Code. No person who is disqualified for life from holding a 1873  
commercial driver's license under section 4506.16 of the Revised 1874  
Code shall be issued a driver's license under this chapter 1875  
during the period for which the commercial driver's license was 1876  
suspended under this section, and no person whose commercial 1877  
driver's license is suspended under any section or chapter 1878  
identified in division (C)(1) of this section shall be issued a 1879  
driver's license under Chapter 4507. of the Revised Code during 1880  
the period of the suspension. 1881

(3) No judge or mayor shall suspend any class one 1882  
suspension, or any portion of any class one suspension, imposed 1883  
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 1884  
Revised Code. No judge or mayor shall suspend the first thirty 1885  
days of any class two, class three, class four, class five, or 1886  
class six suspension imposed under section 2903.06, 2903.08, 1887  
2903.11, 2923.02, or 2929.02 of the Revised Code. 1888

(D) The judge of the court or mayor of the mayor's court 1889



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

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

(F) (1) If a court issues an order under this section granting limited driving privileges and requiring an offender to use an immobilizing or disabling device ~~order under section 4510.43 of the Revised Code~~, the order shall authorize the offender during the specified period to operate a motor vehicle only if it is equipped with an immobilizing or disabling such a device, except as provided in division (C) of ~~that~~ section 4510.43 of the Revised Code. The court shall provide the offender with a copy of an immobilizing or disabling device ~~the order issued under section 4510.43 of the Revised Code~~, and the offender shall use the copy of the order in lieu of an Ohio driver's or commercial driver's license or permit until the registrar or a deputy registrar issues the offender a restricted license for purposes of obtaining a restricted license and shall submit a copy of the order to the registrar of motor vehicles.

~~An order issued under section 4510.43 of the Revised Code does not authorize or permit the offender to whom it has been~~

~~issued to operate a vehicle during any time that the offender's- 1920  
driver's or commercial driver's license or permit is suspended- 1921  
under any other provision of law. 1922~~

(2) An offender ~~may shall~~ present to the registrar or to a 1923  
deputy registrar the copy of an immobilizing or disabling device 1924  
~~order to the registrar or to a deputy registrar~~ issued under 1925  
this section and a certificate affirming the installation of an 1926  
immobilizing or disabling device that is in a form established 1927  
by the director of public safety and that is signed by the 1928  
person who installed the device. Upon presentation of the order 1929  
and certificate to the registrar or a deputy registrar, the 1930  
registrar or deputy registrar shall issue the offender a 1931  
restricted license, unless the offender's driver's or commercial 1932  
driver's license or permit is suspended under any other 1933  
provision of law and limited driving privileges have not been 1934  
granted with regard to that suspension. A restricted license 1935  
issued under this division shall be identical to an Ohio 1936  
driver's license, except that it shall have printed on its face 1937  
a statement that the offender is prohibited ~~during the period-~~ 1938  
~~specified in the court order~~ from operating any motor vehicle 1939  
that is not equipped with an immobilizing or disabling device in 1940  
violation of the order. ~~The date of commencement and the date of-~~ 1941  
~~termination of the period of suspension shall be indicated-~~ 1942  
~~conspicuously upon the face of the license.~~ 1943

(3) (a) No person who has been granted limited driving 1944  
privileges subject to an immobilizing or disabling device order 1945  
under this section shall operate a motor vehicle prior to 1946  
obtaining a restricted license. Any person who violates this 1947  
prohibition is subject to the penalties prescribed in section 1948  
4510.14 of the Revised Code. 1949

(b) The offense established under division (F) (3) (a) of 1950  
this section is a strict liability offense and section 2901.20 1951  
of the Revised Code does not apply. 1952

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 1953  
impose a class D suspension of the person's driver's license, 1954  
commercial driver's license, temporary instruction permit, 1955  
probationary license, or nonresident operating privilege for the 1956  
period of time specified in division (B) (4) of section 4510.02 1957  
of the Revised Code on any person who is a resident of this 1958  
state and is convicted of or pleads guilty to a violation of a 1959  
statute of any other state or any federal statute that is 1960  
substantially similar to section 2925.02, 2925.03, 2925.04, 1961  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 1962  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 1963  
2925.37 of the Revised Code. Upon receipt of a report from a 1964  
court, court clerk, or other official of any other state or from 1965  
any federal authority that a resident of this state was 1966  
convicted of or pleaded guilty to an offense described in this 1967  
division, the registrar shall send a notice by regular first 1968  
class mail to the person, at the person's last known address as 1969  
shown in the records of the bureau of motor vehicles, informing 1970  
the person of the suspension, that the suspension will take 1971  
effect twenty-one days from the date of the notice, and that, if 1972  
the person wishes to appeal the suspension or denial, the person 1973  
must file a notice of appeal within twenty-one days of the date 1974  
of the notice requesting a hearing on the matter. If the person 1975  
requests a hearing, the registrar shall hold the hearing not 1976  
more than forty days after receipt by the registrar of the 1977  
notice of appeal. The filing of a notice of appeal does not stay 1978  
the operation of the suspension that must be imposed pursuant to 1979  
this division. The scope of the hearing shall be limited to 1980

whether the person actually was convicted of or pleaded guilty 1981  
to the offense for which the suspension is to be imposed. 1982

The suspension the registrar is required to impose under 1983  
this division shall end either on the last day of the class D 1984  
suspension period or of the suspension of the person's 1985  
nonresident operating privilege imposed by the state or federal 1986  
court, whichever is earlier. 1987

The registrar shall subscribe to or otherwise participate 1988  
in any information system or register, or enter into reciprocal 1989  
and mutual agreements with other states and federal authorities, 1990  
in order to facilitate the exchange of information with other 1991  
states and the United States government regarding persons who 1992  
plead guilty to or are convicted of offenses described in this 1993  
division and therefore are subject to the suspension or denial 1994  
described in this division. 1995

(B) The registrar shall impose a class D suspension of the 1996  
person's driver's license, commercial driver's license, 1997  
temporary instruction permit, probationary license, or 1998  
nonresident operating privilege for the period of time specified 1999  
in division (B) (4) of section 4510.02 of the Revised Code on any 2000  
person who is a resident of this state and is convicted of or 2001  
pleads guilty to a violation of a statute of any other state or 2002  
a municipal ordinance of a municipal corporation located in any 2003  
other state that is substantially similar to section 4511.19 of 2004  
the Revised Code. Upon receipt of a report from another state 2005  
made pursuant to section 4510.61 of the Revised Code indicating 2006  
that a resident of this state was convicted of or pleaded guilty 2007  
to an offense described in this division, the registrar shall 2008  
send a notice by regular first class mail to the person, at the 2009  
person's last known address as shown in the records of the 2010

bureau of motor vehicles, informing the person of the 2011  
suspension, that the suspension or denial will take effect 2012  
twenty-one days from the date of the notice, and that, if the 2013  
person wishes to appeal the suspension, the person must file a 2014  
notice of appeal within twenty-one days of the date of the 2015  
notice requesting a hearing on the matter. If the person 2016  
requests a hearing, the registrar shall hold the hearing not 2017  
more than forty days after receipt by the registrar of the 2018  
notice of appeal. The filing of a notice of appeal does not stay 2019  
the operation of the suspension that must be imposed pursuant to 2020  
this division. The scope of the hearing shall be limited to 2021  
whether the person actually was convicted of or pleaded guilty 2022  
to the offense for which the suspension is to be imposed. 2023

The suspension the registrar is required to impose under 2024  
this division shall end either on the last day of the class D 2025  
suspension period or of the suspension of the person's 2026  
nonresident operating privilege imposed by the state or federal 2027  
court, whichever is earlier. 2028

(C) The registrar shall impose a class D suspension of the 2029  
child's driver's license, commercial driver's license, temporary 2030  
instruction permit, or nonresident operating privilege for the 2031  
period of time specified in division (B) (4) of section 4510.02 2032  
of the Revised Code on any child who is a resident of this state 2033  
and is convicted of or pleads guilty to a violation of a statute 2034  
of any other state or any federal statute that is substantially 2035  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2036  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 2037  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 2038  
Code. Upon receipt of a report from a court, court clerk, or 2039  
other official of any other state or from any federal authority 2040  
that a child who is a resident of this state was convicted of or 2041

pleaded guilty to an offense described in this division, the 2042  
registrar shall send a notice by regular first class mail to the 2043  
child, at the child's last known address as shown in the records 2044  
of the bureau of motor vehicles, informing the child of the 2045  
suspension, that the suspension or denial will take effect 2046  
twenty-one days from the date of the notice, and that, if the 2047  
child wishes to appeal the suspension, the child must file a 2048  
notice of appeal within twenty-one days of the date of the 2049  
notice requesting a hearing on the matter. If the child requests 2050  
a hearing, the registrar shall hold the hearing not more than 2051  
forty days after receipt by the registrar of the notice of 2052  
appeal. The filing of a notice of appeal does not stay the 2053  
operation of the suspension that must be imposed pursuant to 2054  
this division. The scope of the hearing shall be limited to 2055  
whether the child actually was convicted of or pleaded guilty to 2056  
the offense for which the suspension is to be imposed. 2057

The suspension the registrar is required to impose under 2058  
this division shall end either on the last day of the class D 2059  
suspension period or of the suspension of the child's 2060  
nonresident operating privilege imposed by the state or federal 2061  
court, whichever is earlier. If the child is a resident of this 2062  
state who is sixteen years of age or older and does not have a 2063  
current, valid Ohio driver's or commercial driver's license or 2064  
permit, the notice shall inform the child that the child will be 2065  
denied issuance of a driver's or commercial driver's license or 2066  
permit for six months beginning on the date of the notice. If 2067  
the child has not attained the age of sixteen years on the date 2068  
of the notice, the notice shall inform the child that the period 2069  
of denial of six months shall commence on the date the child 2070  
attains the age of sixteen years. 2071

The registrar shall subscribe to or otherwise participate 2072

in any information system or register, or enter into reciprocal 2073  
and mutual agreements with other states and federal authorities, 2074  
in order to facilitate the exchange of information with other 2075  
states and the United States government regarding children who 2076  
are residents of this state and plead guilty to or are convicted 2077  
of offenses described in this division and therefore are subject 2078  
to the suspension or denial described in this division. 2079

(D) The registrar shall impose a class D suspension of the 2080  
child's driver's license, commercial driver's license, temporary 2081  
instruction permit, probationary license, or nonresident 2082  
operating privilege for the period of time specified in division 2083  
(B) (4) of section 4510.02 of the Revised Code on any child who 2084  
is a resident of this state and is convicted of or pleads guilty 2085  
to a violation of a statute of any other state or a municipal 2086  
ordinance of a municipal corporation located in any other state 2087  
that is substantially similar to section 4511.19 of the Revised 2088  
Code. Upon receipt of a report from another state made pursuant 2089  
to section 4510.61 of the Revised Code indicating that a child 2090  
who is a resident of this state was convicted of or pleaded 2091  
guilty to an offense described in this division, the registrar 2092  
shall send a notice by regular first class mail to the child, at 2093  
the child's last known address as shown in the records of the 2094  
bureau of motor vehicles, informing the child of the suspension, 2095  
that the suspension will take effect twenty-one days from the 2096  
date of the notice, and that, if the child wishes to appeal the 2097  
suspension, the child must file a notice of appeal within 2098  
twenty-one days of the date of the notice requesting a hearing 2099  
on the matter. If the child requests a hearing, the registrar 2100  
shall hold the hearing not more than forty days after receipt by 2101  
the registrar of the notice of appeal. The filing of a notice of 2102  
appeal does not stay the operation of the suspension that must 2103

be imposed pursuant to this division. The scope of the hearing 2104  
shall be limited to whether the child actually was convicted of 2105  
or pleaded guilty to the offense for which the suspension is to 2106  
be imposed. 2107

The suspension the registrar is required to impose under 2108  
this division shall end either on the last day of the class D 2109  
suspension period or of the suspension of the child's 2110  
nonresident operating privilege imposed by the state or federal 2111  
court, whichever is earlier. If the child is a resident of this 2112  
state who is sixteen years of age or older and does not have a 2113  
current, valid Ohio driver's or commercial driver's license or 2114  
permit, the notice shall inform the child that the child will be 2115  
denied issuance of a driver's or commercial driver's license or 2116  
permit for six months beginning on the date of the notice. If 2117  
the child has not attained the age of sixteen years on the date 2118  
of the notice, the notice shall inform the child that the period 2119  
of denial of six months shall commence on the date the child 2120  
attains the age of sixteen years. 2121

(E) (1) Any person whose license or permit has been 2122  
suspended pursuant to this section may file a petition in the 2123  
municipal or county court, or in case the person is under 2124  
eighteen years of age, the juvenile court, in whose jurisdiction 2125  
the person resides, agreeing to pay the cost of the proceedings 2126  
and alleging that the suspension would seriously affect the 2127  
person's ability to continue the person's employment. Upon 2128  
satisfactory proof that there is reasonable cause to believe 2129  
that the suspension would seriously affect the person's ability 2130  
to continue the person's employment, the judge may grant the 2131  
person limited driving privileges during the period during which 2132  
the suspension otherwise would be imposed, except that the judge 2133  
shall not grant limited driving privileges for employment as a 2134



driver of a commercial motor vehicle to any person who would be 2135  
disqualified from operating a commercial motor vehicle under 2136  
section 4506.16 of the Revised Code if the violation had 2137  
occurred in this state, or during any of the following periods 2138  
of time: 2139

~~(1)~~(a) The first fifteen days of a suspension under 2140  
division (B) or (D) of this section, if the person has not been 2141  
convicted within ~~six~~ten years of the date of the offense giving 2142  
rise to the suspension under this section of a violation of any 2143  
of the following: 2144

~~(a)~~(i) Section 4511.19 of the Revised Code, or a 2145  
municipal ordinance relating to operating a vehicle while under 2146  
the influence of alcohol, a drug of abuse, or alcohol and a drug 2147  
of abuse; 2148

~~(b)~~(ii) A municipal ordinance relating to operating a 2149  
motor vehicle with a prohibited concentration of alcohol, a 2150  
controlled substance, or a metabolite of a controlled substance 2151  
in the whole blood, blood serum or plasma, breath, or urine; 2152

~~(c)~~(iii) Section 2903.04 of the Revised Code in a case in 2153  
which the person was subject to the sanctions described in 2154  
division (D) of that section; 2155

~~(d)~~(iv) Division (A) (1) of section 2903.06 or division 2156  
(A) (1) of section 2903.08 of the Revised Code or a municipal 2157  
ordinance that is substantially similar to either of those 2158  
divisions; 2159

~~(e)~~(v) Division (A) (2), (3), or (4) of section 2903.06, 2160  
division (A) (2) of section 2903.08, or as it existed prior to 2161  
March 23, 2000, section 2903.07 of the Revised Code, or a 2162  
municipal ordinance that is substantially similar to any of 2163

those divisions or that former section, in a case in which the jury or judge found that the person was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse.

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

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

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

(3) In accordance with section 4510.022 of the Revised Code, a person may petition for, and a judge may grant, unlimited driving privileges with a certified ignition interlock device during the period of suspension imposed under division (B) or (D) of this section to a person described in division (E) (1) (a) of this section.

(4) If a person petitions for limited driving privileges under division (E) (1) of this section or unlimited driving privileges with a certified ignition interlock device as provided in division (E) (3) of this section, the registrar shall be represented by the county prosecutor of the county in which

the person resides if the petition is filed in a juvenile court 2193  
or county court, except that if the person resides within a city 2194  
or village that is located within the jurisdiction of the county 2195  
in which the petition is filed, the city director of law or 2196  
village solicitor of that city or village shall represent the 2197  
registrar. If the petition is filed in a municipal court, the 2198  
registrar shall be represented as provided in section 1901.34 of 2199  
the Revised Code. 2200

(5) (a) In issuing an order granting limited driving 2201  
privileges under division (E) (1) of this section, the court may 2202  
impose any condition it considers reasonable and necessary to 2203  
limit the use of a vehicle by the person. The court shall 2204  
deliver to the person a ~~permit card, in a form to be prescribed~~ 2205  
~~by the court,~~ copy of the order setting forth the time, place, 2206  
and other conditions limiting the person's use of a motor 2207  
vehicle. ~~The~~ Unless division (E) (5) (b) of this section applies, 2208  
the grant of limited driving privileges shall be conditioned 2209  
upon the person's having the ~~permit order~~ in the person's 2210  
possession at all times during which the person is operating a 2211  
vehicle. 2212

(b) If, under the order, the court requires the use of an 2213  
immobilizing or disabling device as a condition of the grant of 2214  
limited or unlimited driving privileges, the person shall 2215  
present to the registrar or to a deputy registrar the copy of 2216  
the order granting limited driving privileges and a certificate 2217  
affirming the installation of an immobilizing or disabling 2218  
device that is in a form established by the director of public 2219  
safety and is signed by the person who installed the device. 2220  
Upon presentation of the order and the certificate to the 2221  
registrar or a deputy registrar, the registrar or deputy 2222  
registrar shall issue to the offender a restricted license, 2223

unless the offender's driver's or commercial driver's license or 2224  
permit is suspended under any other provision of law and limited 2225  
driving privileges have not been granted with regard to that 2226  
suspension. A restricted license issued under this division 2227  
shall be identical to an Ohio driver's license, except that it 2228  
shall have printed on its face a statement that the offender is 2229  
prohibited from operating any motor vehicle that is not equipped 2230  
with an immobilizing or disabling device in violation of the 2231  
order. 2232

A (6) (a) Unless division (E) (6) (b) applies, a person 2233  
granted limited driving privileges who operates a vehicle for 2234  
other than limited purposes, in violation of any condition 2235  
imposed by the court or without having the ~~permit order~~ in the 2236  
person's possession, is guilty of a violation of section 4510.11 2237  
of the Revised Code. 2238

(b) No person who has been granted limited or unlimited 2239  
driving privileges under division (E) of this section subject to 2240  
an immobilizing or disabling device order shall operate a motor 2241  
vehicle prior to obtaining a restricted license. Any person who 2242  
violates this prohibition is subject to the penalties prescribed 2243  
in section 4510.14 of the Revised Code. 2244

(c) The offenses established under division (E) (6) of this 2245  
section are strict liability offenses and section 2901.20 of the 2246  
Revised Code does not apply. 2247

(F) The provisions of division (A) (8) of section 4510.13 2248  
of the Revised Code apply to a person who has been granted 2249  
limited or unlimited driving privileges with a certified 2250  
ignition interlock device under this section and who either 2251  
commits an ignition interlock device violation as defined under 2252  
section 4510.46 of the Revised Code or operates a motor vehicle 2253

that is not equipped with a certified ignition interlock device. 2254

~~(F)~~(G) As used in divisions (C) and (D) of this section: 2255

(1) "Child" means a person who is under the age of 2256  
eighteen years, except that any person who violates a statute or 2257  
ordinance described in division (C) or (D) of this section prior 2258  
to attaining eighteen years of age shall be deemed a "child" 2259  
irrespective of the person's age at the time the complaint or 2260  
other equivalent document is filed in the other state or a 2261  
hearing, trial, or other proceeding is held in the other state 2262  
on the complaint or other equivalent document, and irrespective 2263  
of the person's age when the period of license suspension or 2264  
denial prescribed in division (C) or (D) of this section is 2265  
imposed. 2266

(2) "Is convicted of or pleads guilty to" means, as it 2267  
relates to a child who is a resident of this state, that in a 2268  
proceeding conducted in a state or federal court located in 2269  
another state for a violation of a statute or ordinance 2270  
described in division (C) or (D) of this section, the result of 2271  
the proceeding is any of the following: 2272

(a) Under the laws that govern the proceedings of the 2273  
court, the child is adjudicated to be or admits to being a 2274  
delinquent child or a juvenile traffic offender for a violation 2275  
described in division (C) or (D) of this section that would be a 2276  
crime if committed by an adult; 2277

(b) Under the laws that govern the proceedings of the 2278  
court, the child is convicted of or pleads guilty to a violation 2279  
described in division (C) or (D) of this section; 2280

(c) Under the laws that govern the proceedings of the 2281  
court, irrespective of the terminology utilized in those laws, 2282

the result of the court's proceedings is the functional 2283  
equivalent of division (F) (2) (a) or (b) of this section. 2284

**Sec. 4510.43.** (A) (1) The director of public safety, upon 2285  
consultation with the director of health and in accordance with 2286  
Chapter 119. of the Revised Code, shall certify immobilizing and 2287  
disabling devices and, subject to section 4510.45 of the Revised 2288  
Code, shall publish and make available to the courts, without 2289  
charge, a list of licensed manufacturers of ignition interlock 2290  
devices and approved devices together with information about the 2291  
manufacturers of the devices and where they may be obtained. The 2292  
manufacturer of an immobilizing or disabling device shall pay 2293  
the cost of obtaining the certification of the device to the 2294  
director of public safety, and the director shall deposit the 2295  
payment in the indigent drivers alcohol treatment fund 2296  
established by section 4511.191 of the Revised Code. 2297

(2) The director of public safety, in accordance with 2298  
Chapter 119. of the Revised Code, shall adopt and publish rules 2299  
setting forth the requirements for obtaining the certification 2300  
of an immobilizing or disabling device. The director of public 2301  
safety shall not certify an immobilizing or disabling device 2302  
under this section unless it meets the requirements specified 2303  
and published by the director in the rules adopted pursuant to 2304  
this division. A certified device may consist of an ignition 2305  
interlock device, an ignition blocking device initiated by time 2306  
or magnetic or electronic encoding, an activity monitor, or any 2307  
other device that reasonably assures compliance with an order 2308  
granting limited driving privileges. Ignition interlock devices 2309  
shall be certified annually. 2310

The requirements for an immobilizing or disabling device 2311  
that is an ignition interlock device shall require that the 2312

manufacturer of the device submit to the department of public 2313  
safety a certificate from an independent testing laboratory 2314  
indicating that the device meets or exceeds the standards of the 2315  
national highway traffic safety administration, as defined in 2316  
section 4511.19 of the Revised Code, that are in effect at the 2317  
time of the director's decision regarding certification of the 2318  
device, shall include provisions for setting a minimum and 2319  
maximum calibration range, and shall include, but shall not be 2320  
limited to, specifications that the device complies with all of 2321  
the following: 2322

(a) It does not impede the safe operation of the vehicle. 2323

(b) It has features that make circumvention difficult and 2324  
that do not interfere with the normal use of the vehicle, and 2325  
the features are operating and functioning. 2326

(c) It correlates well with established measures of 2327  
alcohol impairment. 2328

(d) It works accurately and reliably in an unsupervised 2329  
environment. 2330

(e) It is resistant to tampering and shows evidence of 2331  
tampering if tampering is attempted. 2332

(f) It is difficult to circumvent and requires 2333  
premeditation to do so. 2334

(g) It minimizes inconvenience to a sober user. 2335

(h) It requires a proper, deep-lung breath sample or other 2336  
accurate measure of the concentration by weight of alcohol in 2337  
the breath. 2338

(i) It operates reliably over the range of automobile 2339  
environments. 2340

(j) It is made by a manufacturer who is covered by product liability insurance. 2341  
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(k) Beginning January 1, 2020, it is equipped with a camera. 2343  
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(3) The director of public safety may adopt, in whole or in part, the guidelines, rules, regulations, studies, or independent laboratory tests performed and relied upon by other states, or their agencies or commissions, in the certification or approval of immobilizing or disabling devices. 2345  
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(4) The director of public safety shall adopt rules in accordance with Chapter 119. of the Revised Code for the design of a warning label that shall be affixed to each immobilizing or disabling device upon installation. The label shall contain a warning that any person tampering, circumventing, or otherwise misusing the device is subject to a fine, imprisonment, or both and may be subject to civil liability. 2350  
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(5) The director of public safety shall establish a certificate of installation that a manufacturer of immobilizing or disabling devices shall sign and provide to a person upon the completion of the installation of such a device on the person's motor vehicle. The director also shall adopt rules in accordance with Chapter 119. of the Revised Code that govern procedures for confirming and inspecting the installation of immobilizing or disabling devices. 2357  
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(B) A court considering the use of a prototype device in a pilot program shall advise the director of public safety, thirty days before the use, of the prototype device and its protocol, methodology, manufacturer, and licensor, lessor, other agent, or owner, and the length of the court's pilot program. A prototype 2365  
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device shall not be used for a violation of section 4510.14 or 2370  
4511.19 of the Revised Code, a violation of a municipal OVI 2371  
ordinance, or in relation to a suspension imposed under section 2372  
4511.191 of the Revised Code. A court that uses a prototype 2373  
device in a pilot program, periodically during the existence of 2374  
the program and within fourteen days after termination of the 2375  
program, shall report in writing to the director of public 2376  
safety regarding the effectiveness of the prototype device and 2377  
the program. 2378

(C) If a person has been granted limited or unlimited 2379  
driving privileges with a condition of the privileges being that 2380  
the motor vehicle that is operated under the privileges must be 2381  
equipped with an immobilizing or disabling device, the person 2382  
may operate a motor vehicle that is owned by the person's 2383  
employer only if the person is required to operate that motor 2384  
vehicle in the course and scope of the offender's employment. 2385  
Such a person may operate that vehicle without the installation 2386  
of an immobilizing or disabling device, provided that the 2387  
employer has been notified that the person has limited driving 2388  
privileges and of the nature of the restriction and further 2389  
provided that the person has proof of the employer's 2390  
notification in the person's possession while operating the 2391  
employer's vehicle for normal business duties. A motor vehicle 2392  
owned by a business that is partly or entirely owned or 2393  
controlled by a person with limited driving privileges is not a 2394  
motor vehicle owned by an employer, for purposes of this 2395  
division. 2396

**Sec. 4510.44.** (A) (1) No offender ~~with~~ who has been granted 2397  
limited or unlimited driving privileges, during any period that 2398  
the offender is required to operate only a motor vehicle 2399  
equipped with an immobilizing or disabling device, shall request 2400

or permit any other person to breathe into the device if it is 2401  
an ignition interlock device or another type of device that 2402  
monitors the concentration of alcohol in a person's breath or to 2403  
otherwise start the motor vehicle equipped with the device, for 2404  
the purpose of providing the offender with an operable motor 2405  
vehicle. 2406

~~(2) (a) Except as provided in division (A) (2) (b) of this~~ 2407  
~~section, no~~ No person shall breathe into an immobilizing or 2408  
disabling device that is an ignition interlock device or another 2409  
type of device that monitors the concentration of alcohol in a 2410  
person's breath or otherwise start a motor vehicle equipped with 2411  
an immobilizing or disabling device, for the purpose of 2412  
providing an operable motor vehicle to ~~an offender with limited~~ 2413  
~~driving privileges who is permitted to~~ another person who has 2414  
been granted limited or unlimited driving privileges under the 2415  
condition that the person operate only a motor vehicle equipped 2416  
with an immobilizing or disabling device. 2417

~~(b) Division (A) (2) (a) of this section does not apply to a~~ 2418  
~~person in the following circumstances:~~ 2419

~~(i) The person is an offender with limited driving~~ 2420  
~~privileges.~~ 2421

~~(ii) The person breathes into an immobilizing or disabling~~ 2422  
~~device that is an ignition interlock device or another type of~~ 2423  
~~device that monitors the concentration of alcohol in a person's~~ 2424  
~~breath or otherwise starts a motor vehicle equipped with an~~ 2425  
~~immobilizing or disabling device.~~ 2426

~~(iii) The person breathes into the device or starts the~~ 2427  
~~vehicle for the purpose of providing the person with an operable~~ 2428  
~~motor vehicle.~~ 2429

(3) No unauthorized person shall tamper with or circumvent 2430  
the operation of an immobilizing or disabling device. 2431

(B) Whoever violates this section is guilty of an 2432  
immobilizing or disabling device violation, a misdemeanor of the 2433  
first degree. 2434

**Sec. 4510.45.** (A) (1) A manufacturer of ignition interlock 2435  
devices that desires for its devices to be certified under 2436  
section 4510.43 of the Revised Code and then to be included on 2437  
the list of certified devices that the department of public 2438  
safety compiles and makes available to courts pursuant to that 2439  
section first shall obtain a license from the department under 2440  
this section. The department, in accordance with Chapter 119. of 2441  
the Revised Code, shall adopt any rules that are necessary to 2442  
implement this licensing requirement. 2443

(2) A manufacturer shall apply to the department for the 2444  
license and shall include all information the department may 2445  
require by rule. Each application, including an application for 2446  
license renewal, shall be accompanied by an application fee of 2447  
one hundred dollars, which the department shall deposit into the 2448  
state treasury to the credit of the indigent drivers alcohol 2449  
treatment fund created by section 4511.191 of the Revised Code. 2450  
Each application also shall be accompanied by a signed 2451  
agreement, in a form established by the director, affirming that 2452  
the manufacturer agrees to install and monitor all devices 2453  
produced by that manufacturer and affirming that the 2454  
manufacturer agrees to charge a reduced fee, established by the 2455  
department, for the installation and monitoring of a device used 2456  
by a person who is deemed to be an indigent offender by the 2457  
court that granted limited or unlimited driving privileges to 2458  
the offender subject to the condition that the offender use a 2459

certified ignition interlock device. 2460

(3) Upon receipt of a completed application, if the 2461  
department finds that a manufacturer has complied with all 2462  
application requirements, the department shall issue a license 2463  
to the manufacturer. A manufacturer that has been issued a 2464  
license under this section is eligible immediately to have the 2465  
models of ignition interlock devices it produces certified under 2466  
section 4510.43 of the Revised Code and then included on the 2467  
list of certified devices that the department compiles and makes 2468  
available to courts pursuant to that section. 2469

(4) (a) A license issued under this section shall expire 2470  
annually on a date selected by the department. The department 2471  
shall reject the license application of a manufacturer if any of 2472  
the following apply: 2473

(i) The application is not accompanied by the application 2474  
fee or the required agreement. 2475

(ii) The department finds that the manufacturer has not 2476  
complied with all application requirements. 2477

(iii) The license application is a renewal application and 2478  
the manufacturer failed to file the annual report or failed to 2479  
pay the fee as required by division (B) of this section. 2480

(iv) The license application is a renewal application and 2481  
the manufacturer failed to monitor or report violations as 2482  
required under section 4510.46 of the Revised Code. 2483

(b) The department may reject the license application of a 2484  
manufacturer if the manufacturer has a history of failing to 2485  
properly install immobilizing or disabling devices. 2486

(c) A manufacturer whose license application is rejected 2487

by the department may appeal the decision to the director of 2488  
public safety. The director or the director's designee shall 2489  
hold a hearing on the matter not more than thirty days from the 2490  
date of the manufacturer's appeal. If the director or the 2491  
director's designee upholds the denial of the manufacturer's 2492  
application for a license, the manufacturer may appeal the 2493  
decision to the Franklin county court of common pleas. If the 2494  
director or the director's designee reverses the denial of the 2495  
manufacturer's application for a license, the director or the 2496  
director's designee shall issue a written order directing that 2497  
the department issue a license to the manufacturer. 2498

(B) Every manufacturer of ignition interlock devices that 2499  
is issued a license under this section shall file an annual 2500  
report with the department on a form the department prescribes 2501  
on or before a date the department prescribes. The annual report 2502  
shall state the amount of net profit the manufacturer earned 2503  
during a twelve-month period specified by the department that is 2504  
attributable to the sales of that manufacturer's certified 2505  
ignition interlock devices to purchasers in this state. Each 2506  
manufacturer shall pay a fee equal to five per cent of the 2507  
amount of the net profit described in this division. 2508

The department may permit annual reports to be filed via 2509  
electronic means. 2510

(C) The department shall deposit all fees it receives from 2511  
manufacturers under this section into the state treasury to the 2512  
credit of the indigent drivers alcohol treatment fund created by 2513  
section 4511.191 of the Revised Code. All money so deposited 2514  
into that fund that is paid by the department of mental health 2515  
and addiction services to county indigent drivers alcohol 2516  
treatment funds, county juvenile indigent drivers alcohol 2517

treatment funds, and municipal indigent drivers alcohol 2518  
treatment funds shall be used only as described in division (H) 2519  
(3) of section 4511.191 of the Revised Code. 2520

(D) (1) The director may make an assessment, based on any 2521  
information in the director's possession, against any 2522  
manufacturer that fails to file an annual report or pay the fee 2523  
required by division (B) of this section. The director, in 2524  
accordance with Chapter 119. of the Revised Code, shall adopt 2525  
rules governing assessments and assessment procedures and 2526  
related provisions. In adopting these rules, the director shall 2527  
incorporate the provisions of section 5751.09 of the Revised 2528  
Code to the greatest extent possible, except that the director 2529  
is not required to incorporate any provisions of that section 2530  
that by their nature are not applicable, appropriate, or 2531  
necessary to assessments made by the director under this 2532  
section. 2533

(2) A manufacturer may appeal the final determination of 2534  
the director regarding an assessment made by the director under 2535  
this section. The director, in accordance with Chapter 119. of 2536  
the Revised Code, shall adopt rules governing such appeals. In 2537  
adopting these rules, the director shall incorporate the 2538  
provisions of section 5717.02 of the Revised Code to the 2539  
greatest extent possible, except that the director is not 2540  
required to incorporate any provisions of that section that by 2541  
their nature are not applicable, appropriate, or necessary to 2542  
appeals of assessments made by the director under this section. 2543

(E) The director, in accordance with Chapter 119. of the 2544  
Revised Code, shall adopt a penalty schedule setting forth the 2545  
monetary penalties to be imposed upon a manufacturer that is 2546  
issued a license under this section and fails to file an annual 2547

report or pay the fee required by division (B) of this section 2548  
in a timely manner. The penalty amounts shall not exceed the 2549  
maximum penalty amounts established in section 5751.06 of the 2550  
Revised Code for similar or equivalent facts or circumstances. 2551

(F) (1) No manufacturer of ignition interlock devices that 2552  
is required by division (B) of this section to file an annual 2553  
report with the department or to pay a fee shall fail to do so 2554  
as required by that division. 2555

(2) No manufacturer of ignition interlock devices that is 2556  
required by division (B) of this section to file an annual 2557  
report with the department shall file a report that contains 2558  
incorrect or erroneous information. 2559

(G) Whoever violates division (F) (2) of this section is 2560  
guilty of a misdemeanor of the first degree. The department 2561  
shall remove from the list of certified devices described in 2562  
division (A) (1) of this section the ignition interlock devices 2563  
manufactured by a manufacturer that violates division (F) (1) or 2564  
(2) of this section. 2565

**Sec. 4510.46.** (A) As used in this section: 2566

(1) "Offender" means a person who has been granted limited 2567  
or unlimited driving privileges by a court of this state subject 2568  
to the condition that the person operate only a vehicle with a 2569  
certified ignition interlock device under section 4510.021, 2570  
4510.022, or 4510.13 of the Revised Code. 2571

(2) "Ignition interlock device violation" means that a 2572  
certified ignition interlock device indicates that it has 2573  
prevented an offender from starting a motor vehicle because of 2574  
either of the following: 2575

(a) The device was tampered with or circumvented; 2576

(b) The analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the ignition interlock device from permitting the motor vehicle to be started. 2577  
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~~A governmental agency, bureau, department, or office, or a private corporation, or any other entity that monitors~~ (B) The manufacturer of a certified ignition interlock devices for or on behalf of a court device shall monitor each device that is produced by that manufacturer and that has been installed in a motor vehicle for an offender. The manufacturer also shall inform the court and the registrar of motor vehicles, as soon as practicable, whenever such a device that has been installed in a motor vehicle indicates that it has prevented an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended by a court under division (G) (1) (a), (b), (c), (d), or (e) of section 4511.19 of the Revised Code and who has been granted limited driving privileges under section 4510.13 of the Revised Code from starting the motor vehicle because the device was tampered with or circumvented or because the analysis of the deep-lung breath sample or other method employed by the ignition interlock device to measure the concentration by weight of alcohol in the offender's breath indicated the presence of alcohol in the offender's breath in a concentration sufficient to prevent the ignition interlock device from permitting the motor vehicle to be started an ignition interlock device violation has occurred. 2583  
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~~(B)~~ (C) Upon receipt of such information pertaining to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended by a court 2605  
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~~under division (G) (1) (b), (c), (d), or (e) of section 4511.19 of~~ 2608  
~~the Revised Code and who has been granted limited driving~~ 2609  
~~privileges under section 4510.13 of the Revised Code under~~ 2610  
~~division (B) of this section, the court shall send a notice to~~ 2611  
~~the offender stating that all of the following:~~ 2612

~~(1) That it has received evidence of an instance described~~ 2613  
~~in division (A) of this section. If a court pursuant to division~~ 2614  
~~(A) (8) of section 4510.13 of the Revised Code requires the~~ 2615  
~~offender to wear an alcohol monitor, the notice shall state that~~ 2616  
~~ignition interlock device violation;~~ 2617

~~(2) If applicable, that because of this instance violation~~ 2618  
~~the offender is required to wear a monitor that provides for~~ 2619  
~~continuous alcohol monitoring in accordance with division (E) of~~ 2620  
~~section 4510.022, division (A) (8) of section 4510.13, or~~ 2621  
~~division (F) of section 4510.17 of the Revised Code. ~~The notice~~~~ 2622  
~~~~shall further state that;~~~~ 2623

~~(3) That because of this instance violation the court may~~ 2624  
~~increase the period of suspension of the offender's driver's or~~ 2625  
~~commercial driver's license or permit or nonresident operating~~ 2626  
~~privilege from that originally imposed by the court by a factor~~ 2627  
~~of two and may increase the period of time during which the~~ 2628  
~~offender will be prohibited from exercising any limited or~~ 2629  
~~unlimited driving privileges granted to the offender unless the~~ 2630  
~~vehicles the offender operates are equipped with a certified~~ 2631  
~~ignition interlock device by a factor of two.~~ 2632

~~The notice shall state whether;~~ 2633

~~(4) Whether the court ~~will impose these~~ is imposing the~~ 2634  
~~increases and, if so, that these increases will take effect~~ 2635  
~~fourteen days from the date of the notice unless the offender~~ 2636

~~files a timely motion with the court, appealing the increases in~~ 2637  
~~the time described in this division and requesting a hearing on~~ 2638  
~~the matter. under division (C) (3) of this section;~~ 2639

(5) If the violation occurred within sixty days of the end 2640  
of the suspension of the offender's driver's or commercial 2641  
driver's license or permit or nonresident operating privilege 2642  
and the court is not imposing an increase in the period of the 2643  
suspension under division (C) (3) of this section, that the court 2644  
is increasing the offender's suspension by sixty days as 2645  
provided in division (E) (5) of section 4510.022, division (A) (8) 2646  
(d) of section 4510.13, or division (F) of section 4510.17 of 2647  
the Revised Code; 2648

(6) That the offender may file an appeal of any increase 2649  
imposed under division (C) (4) or (5) of this section with the 2650  
court within fourteen days of receiving the notice; 2651

(7) That the registrar of motor vehicles is prohibited 2652  
from reinstating the offender's license unless the period of 2653  
suspension has been served and no ignition interlock device 2654  
violations have been committed within the sixty days prior to 2655  
the application for reinstatement. 2656

(D) Any ~~such~~ motion that is filed under division (C) (6) of 2657  
this section within ~~that the~~ fourteen-day period shall be 2658  
considered to be filed in a timely manner, and any such motion 2659  
that is filed after that fourteen-day period shall be considered 2660  
not to be filed in a timely manner. If the offender files a 2661  
timely motion, the court may hold a hearing on the matter. The 2662  
scope of the hearing is limited to determining whether the 2663  
offender in fact was prevented from starting a motor vehicle 2664  
that is equipped with a certified ignition interlock device 2665  
because ~~the device was tampered with or circumvented or because~~ 2666

~~the analysis of the deep lung breath sample or other method~~ 2667  
~~employed by the ignition interlock device to measure the~~ 2668  
~~concentration by weight of alcohol in the offender's breath~~ 2669  
~~indicated the presence of alcohol in the offender's breath in a~~ 2670  
~~concentration sufficient to prevent the ignition interlock~~ 2671  
~~device from permitting the motor vehicle to be started~~ 2672  
the  
offender committed an ignition interlock device violation. 2673

If the court finds by a preponderance of the evidence that 2674  
~~this instance as indicated by the ignition interlock device in~~ 2675  
~~fact~~ the violation did occur, it may deny the offender's appeal 2676  
~~and issue the order increasing the relevant periods of time~~ 2677  
~~described in this division.~~ If the court finds by a 2678  
preponderance of the evidence that ~~this instance as indicated by~~ 2679  
~~the ignition interlock device in fact~~ the violation did not 2680  
occur, it shall grant the offender's appeal and ~~no such order~~ 2681  
~~shall be issued~~ shall issue an order terminating the increase of 2682  
the offender's suspension. 2683

~~(C)~~ (E) In no case shall any period of suspension of an 2684  
offender's driver's or commercial driver's license or permit or 2685  
nonresident operating privilege that is increased by a factor of 2686  
two under division (C) (3) of this section or any period of time 2687  
during which the offender is prohibited from exercising any 2688  
limited driving privileges granted to the offender unless the 2689  
vehicles the offender operates are equipped with a certified 2690  
ignition interlock device that is increased by a factor of two 2691  
under division (C) (3) of this section exceed the maximum period 2692  
of time for which the court originally was authorized to suspend 2693  
the offender's driver's or commercial driver's license or permit 2694  
or nonresident operating privilege under division (G) (1) (a), 2695  
(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 2696  
This division does not apply when a suspension is increased 2697

under division (C) (5) of this section. 2698

~~(D)~~ (F) Nothing in this section shall be construed as 2699  
prohibiting the court from revoking an individual's driving 2700  
privileges. 2701

**Sec. 4511.19.** (A) (1) No person shall operate any vehicle, 2702  
streetcar, or trackless trolley within this state, if, at the 2703  
time of the operation, any of the following apply: 2704

(a) The person is under the influence of alcohol, a drug 2705  
of abuse, or a combination of them. 2706

(b) The person has a concentration of eight-hundredths of 2707  
one per cent or more but less than seventeen-hundredths of one 2708  
per cent by weight per unit volume of alcohol in the person's 2709  
whole blood. 2710

(c) The person has a concentration of ninety-six- 2711  
thousandths of one per cent or more but less than two hundred 2712  
four-thousandths of one per cent by weight per unit volume of 2713  
alcohol in the person's blood serum or plasma. 2714

(d) The person has a concentration of eight-hundredths of 2715  
one gram or more but less than seventeen-hundredths of one gram 2716  
by weight of alcohol per two hundred ten liters of the person's 2717  
breath. 2718

(e) The person has a concentration of eleven-hundredths of 2719  
one gram or more but less than two hundred thirty-eight- 2720  
thousandths of one gram by weight of alcohol per one hundred 2721  
milliliters of the person's urine. 2722

(f) The person has a concentration of seventeen-hundredths 2723  
of one per cent or more by weight per unit volume of alcohol in 2724  
the person's whole blood. 2725

(g) The person has a concentration of two hundred four- 2726  
thousandths of one per cent or more by weight per unit volume of 2727  
alcohol in the person's blood serum or plasma. 2728

(h) The person has a concentration of seventeen-hundredths 2729  
of one gram or more by weight of alcohol per two hundred ten 2730  
liters of the person's breath. 2731

(i) The person has a concentration of two hundred thirty- 2732  
eight-thousandths of one gram or more by weight of alcohol per 2733  
one hundred milliliters of the person's urine. 2734

(j) Except as provided in division (K) of this section, 2735  
the person has a concentration of any of the following 2736  
controlled substances or metabolites of a controlled substance 2737  
in the person's whole blood, blood serum or plasma, or urine 2738  
that equals or exceeds any of the following: 2739

(i) The person has a concentration of amphetamine in the 2740  
person's urine of at least five hundred nanograms of amphetamine 2741  
per milliliter of the person's urine or has a concentration of 2742  
amphetamine in the person's whole blood or blood serum or plasma 2743  
of at least one hundred nanograms of amphetamine per milliliter 2744  
of the person's whole blood or blood serum or plasma. 2745

(ii) The person has a concentration of cocaine in the 2746  
person's urine of at least one hundred fifty nanograms of 2747  
cocaine per milliliter of the person's urine or has a 2748  
concentration of cocaine in the person's whole blood or blood 2749  
serum or plasma of at least fifty nanograms of cocaine per 2750  
milliliter of the person's whole blood or blood serum or plasma. 2751

(iii) The person has a concentration of cocaine metabolite 2752  
in the person's urine of at least one hundred fifty nanograms of 2753  
cocaine metabolite per milliliter of the person's urine or has a 2754

concentration of cocaine metabolite in the person's whole blood 2755  
or blood serum or plasma of at least fifty nanograms of cocaine 2756  
metabolite per milliliter of the person's whole blood or blood 2757  
serum or plasma. 2758

(iv) The person has a concentration of heroin in the 2759  
person's urine of at least two thousand nanograms of heroin per 2760  
milliliter of the person's urine or has a concentration of 2761  
heroin in the person's whole blood or blood serum or plasma of 2762  
at least fifty nanograms of heroin per milliliter of the 2763  
person's whole blood or blood serum or plasma. 2764

(v) The person has a concentration of heroin metabolite 2765  
(6-monoacetyl morphine) in the person's urine of at least ten 2766  
nanograms of heroin metabolite (6-monoacetyl morphine) per 2767  
milliliter of the person's urine or has a concentration of 2768  
heroin metabolite (6-monoacetyl morphine) in the person's whole 2769  
blood or blood serum or plasma of at least ten nanograms of 2770  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 2771  
person's whole blood or blood serum or plasma. 2772

(vi) The person has a concentration of L.S.D. in the 2773  
person's urine of at least twenty-five nanograms of L.S.D. per 2774  
milliliter of the person's urine or a concentration of L.S.D. in 2775  
the person's whole blood or blood serum or plasma of at least 2776  
ten nanograms of L.S.D. per milliliter of the person's whole 2777  
blood or blood serum or plasma. 2778

(vii) The person has a concentration of marihuana in the 2779  
person's urine of at least ten nanograms of marihuana per 2780  
milliliter of the person's urine or has a concentration of 2781  
marihuana in the person's whole blood or blood serum or plasma 2782  
of at least two nanograms of marihuana per milliliter of the 2783  
person's whole blood or blood serum or plasma. 2784

- (viii) Either of the following applies: 2785
- (I) The person is under the influence of alcohol, a drug 2786  
of abuse, or a combination of them, and, as measured by gas 2787  
chromatography mass spectrometry, the person has a concentration 2788  
of marihuana metabolite in the person's urine of at least 2789  
fifteen nanograms of marihuana metabolite per milliliter of the 2790  
person's urine or has a concentration of marihuana metabolite in 2791  
the person's whole blood or blood serum or plasma of at least 2792  
five nanograms of marihuana metabolite per milliliter of the 2793  
person's whole blood or blood serum or plasma. 2794
- (II) As measured by gas chromatography mass spectrometry, 2795  
the person has a concentration of marihuana metabolite in the 2796  
person's urine of at least thirty-five nanograms of marihuana 2797  
metabolite per milliliter of the person's urine or has a 2798  
concentration of marihuana metabolite in the person's whole 2799  
blood or blood serum or plasma of at least fifty nanograms of 2800  
marihuana metabolite per milliliter of the person's whole blood 2801  
or blood serum or plasma. 2802
- (ix) The person has a concentration of methamphetamine in 2803  
the person's urine of at least five hundred nanograms of 2804  
methamphetamine per milliliter of the person's urine or has a 2805  
concentration of methamphetamine in the person's whole blood or 2806  
blood serum or plasma of at least one hundred nanograms of 2807  
methamphetamine per milliliter of the person's whole blood or 2808  
blood serum or plasma. 2809
- (x) The person has a concentration of phencyclidine in the 2810  
person's urine of at least twenty-five nanograms of 2811  
phencyclidine per milliliter of the person's urine or has a 2812  
concentration of phencyclidine in the person's whole blood or 2813  
blood serum or plasma of at least ten nanograms of phencyclidine 2814

per milliliter of the person's whole blood or blood serum or 2815  
plasma. 2816

(xi) The state board of pharmacy has adopted a rule 2817  
pursuant to section 4729.041 of the Revised Code that specifies 2818  
the amount of salvia divinorum and the amount of salvinorin A 2819  
that constitute concentrations of salvia divinorum and 2820  
salvinorin A in a person's urine, in a person's whole blood, or 2821  
in a person's blood serum or plasma at or above which the person 2822  
is impaired for purposes of operating any vehicle, streetcar, or 2823  
trackless trolley within this state, the rule is in effect, and 2824  
the person has a concentration of salvia divinorum or salvinorin 2825  
A of at least that amount so specified by rule in the person's 2826  
urine, in the person's whole blood, or in the person's blood 2827  
serum or plasma. 2828

(2) No person who, within twenty years of the conduct 2829  
described in division (A) (2) (a) of this section, previously has 2830  
been convicted of or pleaded guilty to a violation of this 2831  
division, a violation of division (A) (1) or (B) of this section, 2832  
or any other equivalent offense shall do both of the following: 2833

(a) Operate any vehicle, streetcar, or trackless trolley 2834  
within this state while under the influence of alcohol, a drug 2835  
of abuse, or a combination of them; 2836

(b) Subsequent to being arrested for operating the 2837  
vehicle, streetcar, or trackless trolley as described in 2838  
division (A) (2) (a) of this section, being asked by a law 2839  
enforcement officer to submit to a chemical test or tests under 2840  
section 4511.191 of the Revised Code, and being advised by the 2841  
officer in accordance with section 4511.192 of the Revised Code 2842  
of the consequences of the person's refusal or submission to the 2843  
test or tests, refuse to submit to the test or tests. 2844



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

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

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

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

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

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

(D) (1) (a) In any criminal prosecution or juvenile court proceeding for a violation of division (A) (1) (a) of this section or for an equivalent offense that is vehicle-related, the result of any test of any blood or urine withdrawn and analyzed at any health care provider, as defined in section 2317.02 of the

Revised Code, may be admitted with expert testimony to be 2874  
considered with any other relevant and competent evidence in 2875  
determining the guilt or innocence of the defendant. 2876

(b) In any criminal prosecution or juvenile court 2877  
proceeding for a violation of division (A) or (B) of this 2878  
section or for an equivalent offense that is vehicle-related, 2879  
the court may admit evidence on the concentration of alcohol, 2880  
drugs of abuse, controlled substances, metabolites of a 2881  
controlled substance, or a combination of them in the 2882  
defendant's whole blood, blood serum or plasma, breath, urine, 2883  
or other bodily substance at the time of the alleged violation 2884  
as shown by chemical analysis of the substance withdrawn within 2885  
three hours of the time of the alleged violation. The three-hour 2886  
time limit specified in this division regarding the admission of 2887  
evidence does not extend or affect the two-hour time limit 2888  
specified in division (A) of section 4511.192 of the Revised 2889  
Code as the maximum period of time during which a person may 2890  
consent to a chemical test or tests as described in that 2891  
section. The court may admit evidence on the concentration of 2892  
alcohol, drugs of abuse, or a combination of them as described 2893  
in this division when a person submits to a blood, breath, 2894  
urine, or other bodily substance test at the request of a law 2895  
enforcement officer under section 4511.191 of the Revised Code 2896  
or a blood or urine sample is obtained pursuant to a search 2897  
warrant. Only a physician, a registered nurse, an emergency 2898  
medical technician-intermediate, an emergency medical 2899  
technician-paramedic, or a qualified technician, chemist, or 2900  
phlebotomist shall withdraw a blood sample for the purpose of 2901  
determining the alcohol, drug, controlled substance, metabolite 2902  
of a controlled substance, or combination content of the whole 2903  
blood, blood serum, or blood plasma. This limitation does not 2904

apply to the taking of breath or urine specimens. A person 2905  
authorized to withdraw blood under this division may refuse to 2906  
withdraw blood under this division, if in that person's opinion, 2907  
the physical welfare of the person would be endangered by the 2908  
withdrawing of blood. 2909

The bodily substance withdrawn under division (D) (1) (b) of 2910  
this section shall be analyzed in accordance with methods 2911  
approved by the director of health by an individual possessing a 2912  
valid permit issued by the director pursuant to section 3701.143 2913  
of the Revised Code. 2914

(c) As used in division (D) (1) (b) of this section, 2915  
"emergency medical technician-intermediate" and "emergency 2916  
medical technician-paramedic" have the same meanings as in 2917  
section 4765.01 of the Revised Code. 2918

(2) In a criminal prosecution or juvenile court proceeding 2919  
for a violation of division (A) of this section or for an 2920  
equivalent offense that is vehicle-related, if there was at the 2921  
time the bodily substance was withdrawn a concentration of less 2922  
than the applicable concentration of alcohol specified in 2923  
divisions (A) (1) (b), (c), (d), and (e) of this section or less 2924  
than the applicable concentration of a listed controlled 2925  
substance or a listed metabolite of a controlled substance 2926  
specified for a violation of division (A) (1) (j) of this section, 2927  
that fact may be considered with other competent evidence in 2928  
determining the guilt or innocence of the defendant. This 2929  
division does not limit or affect a criminal prosecution or 2930  
juvenile court proceeding for a violation of division (B) of 2931  
this section or for an equivalent offense that is substantially 2932  
equivalent to that division. 2933

(3) Upon the request of the person who was tested, the 2934

results of the chemical test shall be made available to the 2935  
person or the person's attorney, immediately upon the completion 2936  
of the chemical test analysis. 2937

If the chemical test was obtained pursuant to division (D) 2938  
(1) (b) of this section, the person tested may have a physician, 2939  
a registered nurse, or a qualified technician, chemist, or 2940  
phlebotomist of the person's own choosing administer a chemical 2941  
test or tests, at the person's expense, in addition to any 2942  
administered at the request of a law enforcement officer. If the 2943  
person was under arrest as described in division (A) (5) of 2944  
section 4511.191 of the Revised Code, the arresting officer 2945  
shall advise the person at the time of the arrest that the 2946  
person may have an independent chemical test taken at the 2947  
person's own expense. If the person was under arrest other than 2948  
described in division (A) (5) of section 4511.191 of the Revised 2949  
Code, the form to be read to the person to be tested, as 2950  
required under section 4511.192 of the Revised Code, shall state 2951  
that the person may have an independent test performed at the 2952  
person's expense. The failure or inability to obtain an 2953  
additional chemical test by a person shall not preclude the 2954  
admission of evidence relating to the chemical test or tests 2955  
taken at the request of a law enforcement officer. 2956

(4) (a) As used in divisions (D) (4) (b) and (c) of this 2957  
section, "national highway traffic safety administration" means 2958  
the national highway traffic safety administration established 2959  
as an administration of the United States department of 2960  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2961

(b) In any criminal prosecution or juvenile court 2962  
proceeding for a violation of division (A) or (B) of this 2963  
section, of a municipal ordinance relating to operating a 2964

vehicle while under the influence of alcohol, a drug of abuse, 2965  
or alcohol and a drug of abuse, or of a municipal ordinance 2966  
relating to operating a vehicle with a prohibited concentration 2967  
of alcohol, a controlled substance, or a metabolite of a 2968  
controlled substance in the whole blood, blood serum or plasma, 2969  
breath, or urine, if a law enforcement officer has administered 2970  
a field sobriety test to the operator of the vehicle involved in 2971  
the violation and if it is shown by clear and convincing 2972  
evidence that the officer administered the test in substantial 2973  
compliance with the testing standards for any reliable, 2974  
credible, and generally accepted field sobriety tests that were 2975  
in effect at the time the tests were administered, including, 2976  
but not limited to, any testing standards then in effect that 2977  
were set by the national highway traffic safety administration, 2978  
all of the following apply: 2979

(i) The officer may testify concerning the results of the 2980  
field sobriety test so administered. 2981

(ii) The prosecution may introduce the results of the 2982  
field sobriety test so administered as evidence in any 2983  
proceedings in the criminal prosecution or juvenile court 2984  
proceeding. 2985

(iii) If testimony is presented or evidence is introduced 2986  
under division (D) (4) (b) (i) or (ii) of this section and if the 2987  
testimony or evidence is admissible under the Rules of Evidence, 2988  
the court shall admit the testimony or evidence and the trier of 2989  
fact shall give it whatever weight the trier of fact considers 2990  
to be appropriate. 2991

(c) Division (D) (4) (b) of this section does not limit or 2992  
preclude a court, in its determination of whether the arrest of 2993  
a person was supported by probable cause or its determination of 2994

any other matter in a criminal prosecution or juvenile court proceeding of a type described in that division, from considering evidence or testimony that is not otherwise disallowed by division (D) (4) (b) of this section.

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

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

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

(c) A copy of a notarized statement by the laboratory director or a designee of the director that contains the name of each certified analyst or test performer involved with the report, the analyst's or test performer's employment relationship with the laboratory that issued the report, and a notation that performing an analysis of the type involved is

part of the analyst's or test performer's regular duties; 3025

(d) An outline of the analyst's or test performer's 3026  
education, training, and experience in performing the type of 3027  
analysis involved and a certification that the laboratory 3028  
satisfies appropriate quality control standards in general and, 3029  
in this particular analysis, under rules of the department of 3030  
health. 3031

(2) Notwithstanding any other provision of law regarding 3032  
the admission of evidence, a report of the type described in 3033  
division (E)(1) of this section is not admissible against the 3034  
defendant to whom it pertains in any proceeding, other than a 3035  
preliminary hearing or a grand jury proceeding, unless the 3036  
prosecutor has served a copy of the report on the defendant's 3037  
attorney or, if the defendant has no attorney, on the defendant. 3038

(3) A report of the type described in division (E)(1) of 3039  
this section shall not be prima-facie evidence of the contents, 3040  
identity, or amount of any substance if, within seven days after 3041  
the defendant to whom the report pertains or the defendant's 3042  
attorney receives a copy of the report, the defendant or the 3043  
defendant's attorney demands the testimony of the person who 3044  
signed the report. The judge in the case may extend the seven- 3045  
day time limit in the interest of justice. 3046

(F) Except as otherwise provided in this division, any 3047  
physician, registered nurse, emergency medical technician- 3048  
intermediate, emergency medical technician-paramedic, or 3049  
qualified technician, chemist, or phlebotomist who withdraws 3050  
blood from a person pursuant to this section or section 4511.191 3051  
or 4511.192 of the Revised Code, and any hospital, first-aid 3052  
station, or clinic at which blood is withdrawn from a person 3053  
pursuant to this section or section 4511.191 or 4511.192 of the 3054

Revised Code, is immune from criminal liability and civil 3055  
liability based upon a claim of assault and battery or any other 3056  
claim that is not a claim of malpractice, for any act performed 3057  
in withdrawing blood from the person. The immunity provided in 3058  
this division also extends to an emergency medical service 3059  
organization that employs an emergency medical technician- 3060  
intermediate or emergency medical technician-paramedic who 3061  
withdraws blood under this section. The immunity provided in 3062  
this division is not available to a person who withdraws blood 3063  
if the person engages in willful or wanton misconduct. 3064

As used in this division, "emergency medical technician- 3065  
intermediate" and "emergency medical technician-paramedic" have 3066  
the same meanings as in section 4765.01 of the Revised Code. 3067

(G) (1) Whoever violates any provision of divisions (A) (1) 3068  
(a) to (i) or (A) (2) of this section is guilty of operating a 3069  
vehicle under the influence of alcohol, a drug of abuse, or a 3070  
combination of them. Whoever violates division (A) (1) (j) of this 3071  
section is guilty of operating a vehicle while under the 3072  
influence of a listed controlled substance or a listed 3073  
metabolite of a controlled substance. The court shall sentence 3074  
the offender for either offense under Chapter 2929. of the 3075  
Revised Code, except as otherwise authorized or required by 3076  
divisions (G) (1) (a) to (e) of this section: 3077

(a) Except as otherwise provided in division (G) (1) (b), 3078  
(c), (d), or (e) of this section, the offender is guilty of a 3079  
misdemeanor of the first degree, and the court shall sentence 3080  
the offender to all of the following: 3081

(i) If the sentence is being imposed for a violation of 3082  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3083  
a mandatory jail term of three consecutive days. As used in this 3084



division, three consecutive days means seventy-two consecutive 3085  
hours. The court may sentence an offender to both an 3086  
intervention program and a jail term. The court may impose a 3087  
jail term in addition to the three-day mandatory jail term or 3088  
intervention program. However, in no case shall the cumulative 3089  
jail term imposed for the offense exceed six months. 3090

The court may suspend the execution of the three-day jail 3091  
term under this division if the court, in lieu of that suspended 3092  
term, places the offender under a community control sanction 3093  
pursuant to section 2929.25 of the Revised Code and requires the 3094  
offender to attend, for three consecutive days, a drivers' 3095  
intervention program certified under section 5119.38 of the 3096  
Revised Code. The court also may suspend the execution of any 3097  
part of the three-day jail term under this division if it places 3098  
the offender under a community control sanction pursuant to 3099  
section 2929.25 of the Revised Code for part of the three days, 3100  
requires the offender to attend for the suspended part of the 3101  
term a drivers' intervention program so certified, and sentences 3102  
the offender to a jail term equal to the remainder of the three 3103  
consecutive days that the offender does not spend attending the 3104  
program. The court may require the offender, as a condition of 3105  
community control and in addition to the required attendance at 3106  
a drivers' intervention program, to attend and satisfactorily 3107  
complete any treatment or education programs that comply with 3108  
the minimum standards adopted pursuant to Chapter 5119. of the 3109  
Revised Code by the director of mental health and addiction 3110  
services that the operators of the drivers' intervention program 3111  
determine that the offender should attend and to report 3112  
periodically to the court on the offender's progress in the 3113  
programs. The court also may impose on the offender any other 3114  
conditions of community control that it considers necessary. 3115

If the court grants unlimited driving privileges to a 3116  
first-time offender under section 4510.022 of the Revised Code, 3117  
all penalties imposed upon the offender by the court under 3118  
division (G) (1) (a) (i) of this section for the offense apply, 3119  
except that the court shall suspend any mandatory or additional 3120  
jail term imposed by the court under division (G) (1) (a) (i) of 3121  
this section upon granting unlimited driving privileges in 3122  
accordance with section 4510.022 of the Revised Code. 3123

(ii) If the sentence is being imposed for a violation of 3124  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3125  
section, except as otherwise provided in this division, a 3126  
mandatory jail term of at least three consecutive days and a 3127  
requirement that the offender attend, for three consecutive 3128  
days, a drivers' intervention program that is certified pursuant 3129  
to section 5119.38 of the Revised Code. As used in this 3130  
division, three consecutive days means seventy-two consecutive 3131  
hours. If the court determines that the offender is not 3132  
conducive to treatment in a drivers' intervention program, if 3133  
the offender refuses to attend a drivers' intervention program, 3134  
or if the jail at which the offender is to serve the jail term 3135  
imposed can provide a driver's intervention program, the court 3136  
shall sentence the offender to a mandatory jail term of at least 3137  
six consecutive days. 3138

If the court grants unlimited driving privileges to a 3139  
first-time offender under section 4510.022 of the Revised Code, 3140  
all penalties imposed upon the offender by the court under 3141  
division (G) (1) (a) (ii) of this section for the offense apply, 3142  
except that the court shall suspend any mandatory or additional 3143  
jail term imposed by the court under division (G) (1) (a) (ii) of 3144  
this section upon granting unlimited driving privileges in 3145  
accordance with section 4510.022 of the Revised Code. 3146

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

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

(iv) In all cases, a ~~class five license~~ suspension of the offender's driver's or commercial driver's license or permit or nonresident operating privilege ~~from the range specified in division (A) (5) of section 4510.02 of the Revised Code~~ for a definite period of one to five years. The court may grant limited driving privileges relative to the suspension under sections 4510.021 and 4510.13 of the Revised Code. The court may grant unlimited driving privileges with an ignition interlock device relative to the suspension and may reduce the period of suspension as authorized under section 4510.022 of the Revised Code.

(b) Except as otherwise provided in division (G) (1) (e) of this section, an offender who, within ~~six-ten~~ years of the offense, previously has been convicted of or pleaded guilty to one violation of division (A) or (B) of this section or one

other equivalent offense is guilty of a misdemeanor of the first 3177  
degree. The court shall sentence the offender to all of the 3178  
following: 3179

(i) If the sentence is being imposed for a violation of 3180  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3181  
a mandatory jail term of ten consecutive days. The court shall 3182  
impose the ten-day mandatory jail term under this division 3183  
unless, subject to division (G)(3) of this section, it instead 3184  
imposes a sentence under that division consisting of both a jail 3185  
term and a term of house arrest with electronic monitoring, with 3186  
continuous alcohol monitoring, or with both electronic 3187  
monitoring and continuous alcohol monitoring. The court may 3188  
impose a jail term in addition to the ten-day mandatory jail 3189  
term. The cumulative jail term imposed for the offense shall not 3190  
exceed six months. 3191

In addition to the jail term or the term of house arrest 3192  
with electronic monitoring or continuous alcohol monitoring or 3193  
both types of monitoring and jail term, the court shall require 3194  
the offender to be assessed by a community addiction services 3195  
provider that is authorized by section 5119.21 of the Revised 3196  
Code, subject to division (I) of this section, and shall order 3197  
the offender to follow the treatment recommendations of the 3198  
services provider. The purpose of the assessment is to determine 3199  
the degree of the offender's alcohol usage and to determine 3200  
whether or not treatment is warranted. Upon the request of the 3201  
court, the services provider shall submit the results of the 3202  
assessment to the court, including all treatment recommendations 3203  
and clinical diagnoses related to alcohol use. 3204

(ii) If the sentence is being imposed for a violation of 3205  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3206

section, except as otherwise provided in this division, a 3207  
mandatory jail term of twenty consecutive days. The court shall 3208  
impose the twenty-day mandatory jail term under this division 3209  
unless, subject to division (G) (3) of this section, it instead 3210  
imposes a sentence under that division consisting of both a jail 3211  
term and a term of house arrest with electronic monitoring, with 3212  
continuous alcohol monitoring, or with both electronic 3213  
monitoring and continuous alcohol monitoring. The court may 3214  
impose a jail term in addition to the twenty-day mandatory jail 3215  
term. The cumulative jail term imposed for the offense shall not 3216  
exceed six months. 3217

In addition to the jail term or the term of house arrest 3218  
with electronic monitoring or continuous alcohol monitoring or 3219  
both types of monitoring and jail term, the court shall require 3220  
the offender to be assessed by a community addiction service 3221  
provider that is authorized by section 5119.21 of the Revised 3222  
Code, subject to division (I) of this section, and shall order 3223  
the offender to follow the treatment recommendations of the 3224  
services provider. The purpose of the assessment is to determine 3225  
the degree of the offender's alcohol usage and to determine 3226  
whether or not treatment is warranted. Upon the request of the 3227  
court, the services provider shall submit the results of the 3228  
assessment to the court, including all treatment recommendations 3229  
and clinical diagnoses related to alcohol use. 3230

(iii) In all cases, notwithstanding the fines set forth in 3231  
Chapter 2929. of the Revised Code, a fine of not less than five 3232  
hundred twenty-five and not more than one thousand six hundred 3233  
twenty-five dollars; 3234

(iv) In all cases, a ~~class four license~~ suspension of the 3235  
offender's driver's license, commercial driver's license, 3236

temporary instruction permit, probationary license, or 3237  
nonresident operating privilege ~~from the range specified in~~ 3238  
~~division (A) (4) of section 4510.02 of the Revised Code~~for a 3239  
definite period of one to seven years. The court may grant 3240  
limited driving privileges relative to the suspension under 3241  
sections 4510.021 and 4510.13 of the Revised Code. 3242

(v) In all cases, if the vehicle is registered in the 3243  
offender's name, immobilization of the vehicle involved in the 3244  
offense for ninety days in accordance with section 4503.233 of 3245  
the Revised Code and impoundment of the license plates of that 3246  
vehicle for ninety days. 3247

(c) Except as otherwise provided in division (G) (1) (e) of 3248  
this section, an offender who, within ~~six~~ten years of the 3249  
offense, previously has been convicted of or pleaded guilty to 3250  
two violations of division (A) or (B) of this section or other 3251  
equivalent offenses is guilty of a misdemeanor. The court shall 3252  
sentence the offender to all of the following: 3253

(i) If the sentence is being imposed for a violation of 3254  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3255  
a mandatory jail term of thirty consecutive days. The court 3256  
shall impose the thirty-day mandatory jail term under this 3257  
division unless, subject to division (G) (3) of this section, it 3258  
instead imposes a sentence under that division consisting of 3259  
both a jail term and a term of house arrest with electronic 3260  
monitoring, with continuous alcohol monitoring, or with both 3261  
electronic monitoring and continuous alcohol monitoring. The 3262  
court may impose a jail term in addition to the thirty-day 3263  
mandatory jail term. Notwithstanding the jail terms set forth in 3264  
sections 2929.21 to 2929.28 of the Revised Code, the additional 3265  
jail term shall not exceed one year, and the cumulative jail 3266

term imposed for the offense shall not exceed one year. 3267

(ii) If the sentence is being imposed for a violation of 3268  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3269  
section, a mandatory jail term of sixty consecutive days. The 3270  
court shall impose the sixty-day mandatory jail term under this 3271  
division unless, subject to division (G)(3) of this section, it 3272  
instead imposes a sentence under that division consisting of 3273  
both a jail term and a term of house arrest with electronic 3274  
monitoring, with continuous alcohol monitoring, or with both 3275  
electronic monitoring and continuous alcohol monitoring. The 3276  
court may impose a jail term in addition to the sixty-day 3277  
mandatory jail term. Notwithstanding the jail terms set forth in 3278  
sections 2929.21 to 2929.28 of the Revised Code, the additional 3279  
jail term shall not exceed one year, and the cumulative jail 3280  
term imposed for the offense shall not exceed one year. 3281

(iii) In all cases, notwithstanding the fines set forth in 3282  
Chapter 2929. of the Revised Code, a fine of not less than eight 3283  
hundred fifty and not more than two thousand seven hundred fifty 3284  
dollars; 3285

(iv) In all cases, a ~~class three license~~ suspension of the 3286  
offender's driver's license, commercial driver's license, 3287  
temporary instruction permit, probationary license, or 3288  
nonresident operating privilege ~~from the range specified in~~ 3289  
~~division (A)(3) of section 4510.02 of the Revised Code~~ for a 3290  
definite period of two to twelve years. The court may grant 3291  
limited driving privileges relative to the suspension under 3292  
sections 4510.021 and 4510.13 of the Revised Code. 3293

(v) In all cases, if the vehicle is registered in the 3294  
offender's name, criminal forfeiture of the vehicle involved in 3295  
the offense in accordance with section 4503.234 of the Revised 3296

Code. Division (G) (6) of this section applies regarding any 3297  
vehicle that is subject to an order of criminal forfeiture under 3298  
this division. 3299

(vi) In all cases, the court shall order the offender to 3300  
participate with a community addiction services provider 3301  
authorized by section 5119.21 of the Revised Code, subject to 3302  
division (I) of this section, and shall order the offender to 3303  
follow the treatment recommendations of the services provider. 3304  
The operator of the services provider shall determine and assess 3305  
the degree of the offender's alcohol dependency and shall make 3306  
recommendations for treatment. Upon the request of the court, 3307  
the services provider shall submit the results of the assessment 3308  
to the court, including all treatment recommendations and 3309  
clinical diagnoses related to alcohol use. 3310

(d) Except as otherwise provided in division (G) (1) (e) of 3311  
this section, an offender who, within ~~six~~ten years of the 3312  
offense, previously has been convicted of or pleaded guilty to 3313  
three or four violations of division (A) or (B) of this section 3314  
or other equivalent offenses or an offender who, within twenty 3315  
years of the offense, previously has been convicted of or 3316  
pleaded guilty to five or more violations of that nature is 3317  
guilty of a felony of the fourth degree. The court shall 3318  
sentence the offender to all of the following: 3319

(i) If the sentence is being imposed for a violation of 3320  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 3321  
a mandatory prison term of one, two, three, four, or five years 3322  
as required by and in accordance with division (G) (2) of section 3323  
2929.13 of the Revised Code if the offender also is convicted of 3324  
or also pleads guilty to a specification of the type described 3325  
in section 2941.1413 of the Revised Code or, in the discretion 3326



of the court, either a mandatory term of local incarceration of 3327  
sixty consecutive days in accordance with division (G) (1) of 3328  
section 2929.13 of the Revised Code or a mandatory prison term 3329  
of sixty consecutive days in accordance with division (G) (2) of 3330  
that section if the offender is not convicted of and does not 3331  
plead guilty to a specification of that type. If the court 3332  
imposes a mandatory term of local incarceration, it may impose a 3333  
jail term in addition to the sixty-day mandatory term, the 3334  
cumulative total of the mandatory term and the jail term for the 3335  
offense shall not exceed one year, and, except as provided in 3336  
division (A) (1) of section 2929.13 of the Revised Code, no 3337  
prison term is authorized for the offense. If the court imposes 3338  
a mandatory prison term, notwithstanding division (A) (4) of 3339  
section 2929.14 of the Revised Code, it also may sentence the 3340  
offender to a definite prison term that shall be not less than 3341  
six months and not more than thirty months and the prison terms 3342  
shall be imposed as described in division (G) (2) of section 3343  
2929.13 of the Revised Code. If the court imposes a mandatory 3344  
prison term or mandatory prison term and additional prison term, 3345  
in addition to the term or terms so imposed, the court also may 3346  
sentence the offender to a community control sanction for the 3347  
offense, but the offender shall serve all of the prison terms so 3348  
imposed prior to serving the community control sanction. 3349

(ii) If the sentence is being imposed for a violation of 3350  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3351  
section, a mandatory prison term of one, two, three, four, or 3352  
five years as required by and in accordance with division (G) (2) 3353  
of section 2929.13 of the Revised Code if the offender also is 3354  
convicted of or also pleads guilty to a specification of the 3355  
type described in section 2941.1413 of the Revised Code or, in 3356  
the discretion of the court, either a mandatory term of local 3357

incarceration of one hundred twenty consecutive days in 3358  
accordance with division (G) (1) of section 2929.13 of the 3359  
Revised Code or a mandatory prison term of one hundred twenty 3360  
consecutive days in accordance with division (G) (2) of that 3361  
section if the offender is not convicted of and does not plead 3362  
guilty to a specification of that type. If the court imposes a 3363  
mandatory term of local incarceration, it may impose a jail term 3364  
in addition to the one hundred twenty-day mandatory term, the 3365  
cumulative total of the mandatory term and the jail term for the 3366  
offense shall not exceed one year, and, except as provided in 3367  
division (A) (1) of section 2929.13 of the Revised Code, no 3368  
prison term is authorized for the offense. If the court imposes 3369  
a mandatory prison term, notwithstanding division (A) (4) of 3370  
section 2929.14 of the Revised Code, it also may sentence the 3371  
offender to a definite prison term that shall be not less than 3372  
six months and not more than thirty months and the prison terms 3373  
shall be imposed as described in division (G) (2) of section 3374  
2929.13 of the Revised Code. If the court imposes a mandatory 3375  
prison term or mandatory prison term and additional prison term, 3376  
in addition to the term or terms so imposed, the court also may 3377  
sentence the offender to a community control sanction for the 3378  
offense, but the offender shall serve all of the prison terms so 3379  
imposed prior to serving the community control sanction. 3380

(iii) In all cases, notwithstanding section 2929.18 of the 3381  
Revised Code, a fine of not less than one thousand three hundred 3382  
fifty nor more than ten thousand five hundred dollars; 3383

(iv) In all cases, a class two license suspension of the 3384  
offender's driver's license, commercial driver's license, 3385  
temporary instruction permit, probationary license, or 3386  
nonresident operating privilege from the range specified in 3387  
division (A) (2) of section 4510.02 of the Revised Code. The 3388

court may grant limited driving privileges relative to the 3389  
suspension under sections 4510.021 and 4510.13 of the Revised 3390  
Code. 3391

(v) In all cases, if the vehicle is registered in the 3392  
offender's name, criminal forfeiture of the vehicle involved in 3393  
the offense in accordance with section 4503.234 of the Revised 3394  
Code. Division (G) (6) of this section applies regarding any 3395  
vehicle that is subject to an order of criminal forfeiture under 3396  
this division. 3397

(vi) In all cases, the court shall order the offender to 3398  
participate with a community addiction services provider 3399  
authorized by section 5119.21 of the Revised Code, subject to 3400  
division (I) of this section, and shall order the offender to 3401  
follow the treatment recommendations of the services provider. 3402  
The operator of the services provider shall determine and assess 3403  
the degree of the offender's alcohol dependency and shall make 3404  
recommendations for treatment. Upon the request of the court, 3405  
the services provider shall submit the results of the assessment 3406  
to the court, including all treatment recommendations and 3407  
clinical diagnoses related to alcohol use. 3408

(vii) In all cases, if the court sentences the offender to 3409  
a mandatory term of local incarceration, in addition to the 3410  
mandatory term, the court, pursuant to section 2929.17 of the 3411  
Revised Code, may impose a term of house arrest with electronic 3412  
monitoring. The term shall not commence until after the offender 3413  
has served the mandatory term of local incarceration. 3414

(e) An offender who previously has been convicted of or 3415  
pleaded guilty to a violation of division (A) of this section 3416  
that was a felony, regardless of when the violation and the 3417  
conviction or guilty plea occurred, is guilty of a felony of the 3418

third degree. The court shall sentence the offender to all of 3419  
the following: 3420

(i) If the offender is being sentenced for a violation of 3421  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3422  
a mandatory prison term of one, two, three, four, or five years 3423  
as required by and in accordance with division (G)(2) of section 3424  
2929.13 of the Revised Code if the offender also is convicted of 3425  
or also pleads guilty to a specification of the type described 3426  
in section 2941.1413 of the Revised Code or a mandatory prison 3427  
term of sixty consecutive days in accordance with division (G) 3428  
(2) of section 2929.13 of the Revised Code if the offender is 3429  
not convicted of and does not plead guilty to a specification of 3430  
that type. The court may impose a prison term in addition to the 3431  
mandatory prison term. The cumulative total of a sixty-day 3432  
mandatory prison term and the additional prison term for the 3433  
offense shall not exceed five years. In addition to the 3434  
mandatory prison term or mandatory prison term and additional 3435  
prison term the court imposes, the court also may sentence the 3436  
offender to a community control sanction for the offense, but 3437  
the offender shall serve all of the prison terms so imposed 3438  
prior to serving the community control sanction. 3439

(ii) If the sentence is being imposed for a violation of 3440  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3441  
section, a mandatory prison term of one, two, three, four, or 3442  
five years as required by and in accordance with division (G)(2) 3443  
of section 2929.13 of the Revised Code if the offender also is 3444  
convicted of or also pleads guilty to a specification of the 3445  
type described in section 2941.1413 of the Revised Code or a 3446  
mandatory prison term of one hundred twenty consecutive days in 3447  
accordance with division (G)(2) of section 2929.13 of the 3448  
Revised Code if the offender is not convicted of and does not 3449

plead guilty to a specification of that type. The court may 3450  
impose a prison term in addition to the mandatory prison term. 3451  
The cumulative total of a one hundred twenty-day mandatory 3452  
prison term and the additional prison term for the offense shall 3453  
not exceed five years. In addition to the mandatory prison term 3454  
or mandatory prison term and additional prison term the court 3455  
imposes, the court also may sentence the offender to a community 3456  
control sanction for the offense, but the offender shall serve 3457  
all of the prison terms so imposed prior to serving the 3458  
community control sanction. 3459

(iii) In all cases, notwithstanding section 2929.18 of the 3460  
Revised Code, a fine of not less than one thousand three hundred 3461  
fifty nor more than ten thousand five hundred dollars; 3462

(iv) In all cases, a class two license suspension of the 3463  
offender's driver's license, commercial driver's license, 3464  
temporary instruction permit, probationary license, or 3465  
nonresident operating privilege from the range specified in 3466  
division (A)(2) of section 4510.02 of the Revised Code. The 3467  
court may grant limited driving privileges relative to the 3468  
suspension under sections 4510.021 and 4510.13 of the Revised 3469  
Code. 3470

(v) In all cases, if the vehicle is registered in the 3471  
offender's name, criminal forfeiture of the vehicle involved in 3472  
the offense in accordance with section 4503.234 of the Revised 3473  
Code. Division (G)(6) of this section applies regarding any 3474  
vehicle that is subject to an order of criminal forfeiture under 3475  
this division. 3476

(vi) In all cases, the court shall order the offender to 3477  
participate with a community addiction services provider 3478  
authorized by section 5119.21 of the Revised Code, subject to 3479

division (I) of this section, and shall order the offender to 3480  
follow the treatment recommendations of the services provider. 3481  
The operator of the services provider shall determine and assess 3482  
the degree of the offender's alcohol dependency and shall make 3483  
recommendations for treatment. Upon the request of the court, 3484  
the services provider shall submit the results of the assessment 3485  
to the court, including all treatment recommendations and 3486  
clinical diagnoses related to alcohol use. 3487

(2) An offender who is convicted of or pleads guilty to a 3488  
violation of division (A) of this section and who subsequently 3489  
seeks reinstatement of the driver's or occupational driver's 3490  
license or permit or nonresident operating privilege suspended 3491  
under this section as a result of the conviction or guilty plea 3492  
shall pay a reinstatement fee as provided in division (F) (2) of 3493  
section 4511.191 of the Revised Code. 3494

(3) If an offender is sentenced to a jail term under 3495  
division (G) (1) (b) (i) or (ii) or (G) (1) (c) (i) or (ii) of this 3496  
section and if, within sixty days of sentencing of the offender, 3497  
the court issues a written finding on the record that, due to 3498  
the unavailability of space at the jail where the offender is 3499  
required to serve the term, the offender will not be able to 3500  
begin serving that term within the sixty-day period following 3501  
the date of sentencing, the court may impose an alternative 3502  
sentence under this division that includes a term of house 3503  
arrest with electronic monitoring, with continuous alcohol 3504  
monitoring, or with both electronic monitoring and continuous 3505  
alcohol monitoring. 3506

As an alternative to a mandatory jail term of ten 3507  
consecutive days required by division (G) (1) (b) (i) of this 3508  
section, the court, under this division, may sentence the 3509

offender to five consecutive days in jail and not less than 3510  
eighteen consecutive days of house arrest with electronic 3511  
monitoring, with continuous alcohol monitoring, or with both 3512  
electronic monitoring and continuous alcohol monitoring. The 3513  
cumulative total of the five consecutive days in jail and the 3514  
period of house arrest with electronic monitoring, continuous 3515  
alcohol monitoring, or both types of monitoring shall not exceed 3516  
six months. The five consecutive days in jail do not have to be 3517  
served prior to or consecutively to the period of house arrest. 3518

As an alternative to the mandatory jail term of twenty 3519  
consecutive days required by division (G)(1)(b)(ii) of this 3520  
section, the court, under this division, may sentence the 3521  
offender to ten consecutive days in jail and not less than 3522  
thirty-six consecutive days of house arrest with electronic 3523  
monitoring, with continuous alcohol monitoring, or with both 3524  
electronic monitoring and continuous alcohol monitoring. The 3525  
cumulative total of the ten consecutive days in jail and the 3526  
period of house arrest with electronic monitoring, continuous 3527  
alcohol monitoring, or both types of monitoring shall not exceed 3528  
six months. The ten consecutive days in jail do not have to be 3529  
served prior to or consecutively to the period of house arrest. 3530

As an alternative to a mandatory jail term of thirty 3531  
consecutive days required by division (G)(1)(c)(i) of this 3532  
section, the court, under this division, may sentence the 3533  
offender to fifteen consecutive days in jail and not less than 3534  
fifty-five consecutive days of house arrest with electronic 3535  
monitoring, with continuous alcohol monitoring, or with both 3536  
electronic monitoring and continuous alcohol monitoring. The 3537  
cumulative total of the fifteen consecutive days in jail and the 3538  
period of house arrest with electronic monitoring, continuous 3539  
alcohol monitoring, or both types of monitoring shall not exceed 3540

one year. The fifteen consecutive days in jail do not have to be 3541  
served prior to or consecutively to the period of house arrest. 3542

As an alternative to the mandatory jail term of sixty 3543  
consecutive days required by division (G)(1)(c)(ii) of this 3544  
section, the court, under this division, may sentence the 3545  
offender to thirty consecutive days in jail and not less than 3546  
one hundred ten consecutive days of house arrest with electronic 3547  
monitoring, with continuous alcohol monitoring, or with both 3548  
electronic monitoring and continuous alcohol monitoring. The 3549  
cumulative total of the thirty consecutive days in jail and the 3550  
period of house arrest with electronic monitoring, continuous 3551  
alcohol monitoring, or both types of monitoring shall not exceed 3552  
one year. The thirty consecutive days in jail do not have to be 3553  
served prior to or consecutively to the period of house arrest. 3554

(4) If an offender's driver's or occupational driver's 3555  
license or permit or nonresident operating privilege is 3556  
suspended under division (G) of this section and if section 3557  
4510.13 of the Revised Code permits the court to grant limited 3558  
driving privileges, the court may grant the limited driving 3559  
privileges in accordance with that section. If division (A)(7) 3560  
of that section requires that the court impose as a condition of 3561  
the privileges that the offender must display on the vehicle 3562  
that is driven subject to the privileges restricted license 3563  
plates that are issued under section 4503.231 of the Revised 3564  
Code, except as provided in division (B) of that section, the 3565  
court shall impose that condition as one of the conditions of 3566  
the limited driving privileges granted to the offender, except 3567  
as provided in division (B) of section 4503.231 of the Revised 3568  
Code. 3569

(5) Fines imposed under this section for a violation of 3570



division (A) of this section shall be distributed as follows: 3571

(a) Twenty-five dollars of the fine imposed under division 3572  
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 3573  
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 3574  
fine imposed under division (G) (1) (c) (iii), and two hundred ten 3575  
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 3576  
(iii) of this section shall be paid to an enforcement and 3577  
education fund established by the legislative authority of the 3578  
law enforcement agency in this state that primarily was 3579  
responsible for the arrest of the offender, as determined by the 3580  
court that imposes the fine. The agency shall use this share to 3581  
pay only those costs it incurs in enforcing this section or a 3582  
municipal OVI ordinance and in informing the public of the laws 3583  
governing the operation of a vehicle while under the influence 3584  
of alcohol, the dangers of the operation of a vehicle under the 3585  
influence of alcohol, and other information relating to the 3586  
operation of a vehicle under the influence of alcohol and the 3587  
consumption of alcoholic beverages. 3588

(b) Fifty dollars of the fine imposed under division (G) 3589  
(1) (a) (iii) of this section shall be paid to the political 3590  
subdivision that pays the cost of housing the offender during 3591  
the offender's term of incarceration. If the offender is being 3592  
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 3593  
(e), or (j) of this section and was confined as a result of the 3594  
offense prior to being sentenced for the offense but is not 3595  
sentenced to a term of incarceration, the fifty dollars shall be 3596  
paid to the political subdivision that paid the cost of housing 3597  
the offender during that period of confinement. The political 3598  
subdivision shall use the share under this division to pay or 3599  
reimburse incarceration or treatment costs it incurs in housing 3600  
or providing drug and alcohol treatment to persons who violate 3601

this section or a municipal OVI ordinance, costs of any 3602  
immobilizing or disabling device used on the offender's vehicle, 3603  
and costs of electronic house arrest equipment needed for 3604  
persons who violate this section. 3605

(c) Twenty-five dollars of the fine imposed under division 3606  
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 3607  
division (G) (1) (b) (iii) of this section shall be deposited into 3608  
the county or municipal indigent drivers' alcohol treatment fund 3609  
under the control of that court, as created by the county or 3610  
municipal corporation under division (F) of section 4511.191 of 3611  
the Revised Code. 3612

(d) One hundred fifteen dollars of the fine imposed under 3613  
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 3614  
the fine imposed under division (G) (1) (c) (iii), and four hundred 3615  
forty dollars of the fine imposed under division (G) (1) (d) (iii) 3616  
or (e) (iii) of this section shall be paid to the political 3617  
subdivision that pays the cost of housing the offender during 3618  
the offender's term of incarceration. The political subdivision 3619  
shall use this share to pay or reimburse incarceration or 3620  
treatment costs it incurs in housing or providing drug and 3621  
alcohol treatment to persons who violate this section or a 3622  
municipal OVI ordinance, costs for any immobilizing or disabling 3623  
device used on the offender's vehicle, and costs of electronic 3624  
house arrest equipment needed for persons who violate this 3625  
section. 3626

(e) Fifty dollars of the fine imposed under divisions (G) 3627  
(1) (a) (iii), (G) (1) (b) (iii), (G) (1) (c) (iii), (G) (1) (d) (iii), and 3628  
(G) (1) (e) (iii) of this section shall be deposited into the 3629  
special projects fund of the court in which the offender was 3630  
convicted and that is established under division (E) (1) of 3631

section 2303.201, division (B) (1) of section 1901.26, or 3632  
division (B) (1) of section 1907.24 of the Revised Code, to be 3633  
used exclusively to cover the cost of immobilizing or disabling 3634  
devices, including certified ignition interlock devices, and 3635  
remote alcohol monitoring devices for indigent offenders who are 3636  
required by a judge to use either of these devices. If the court 3637  
in which the offender was convicted does not have a special 3638  
projects fund that is established under division (E) (1) of 3639  
section 2303.201, division (B) (1) of section 1901.26, or 3640  
division (B) (1) of section 1907.24 of the Revised Code, the 3641  
fifty dollars shall be deposited into the indigent drivers 3642  
interlock and alcohol monitoring fund under division (I) of 3643  
section 4511.191 of the Revised Code. 3644

(f) Seventy-five dollars of the fine imposed under 3645  
division (G) (1) (a) (iii), one hundred twenty-five dollars of the 3646  
fine imposed under division (G) (1) (b) (iii), two hundred fifty 3647  
dollars of the fine imposed under division (G) (1) (c) (iii), and 3648  
five hundred dollars of the fine imposed under division (G) (1) 3649  
(d) (iii) or (e) (iii) of this section shall be transmitted to the 3650  
treasurer of state for deposit into the indigent defense support 3651  
fund established under section 120.08 of the Revised Code. 3652

(g) The balance of the fine imposed under division (G) (1) 3653  
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 3654  
section shall be disbursed as otherwise provided by law. 3655

(6) If title to a motor vehicle that is subject to an 3656  
order of criminal forfeiture under division (G) (1) (c), (d), or 3657  
(e) of this section is assigned or transferred and division (B) 3658  
(2) or (3) of section 4503.234 of the Revised Code applies, in 3659  
addition to or independent of any other penalty established by 3660  
law, the court may fine the offender the value of the vehicle as 3661

determined by publications of the national automobile dealers 3662  
association. The proceeds of any fine so imposed shall be 3663  
distributed in accordance with division (C) (2) of that section. 3664

(7) In all cases in which an offender is sentenced under 3665  
division (G) of this section, the offender shall provide the 3666  
court with proof of financial responsibility as defined in 3667  
section 4509.01 of the Revised Code. If the offender fails to 3668  
provide that proof of financial responsibility, the court, in 3669  
addition to any other penalties provided by law, may order 3670  
restitution pursuant to section 2929.18 or 2929.28 of the 3671  
Revised Code in an amount not exceeding five thousand dollars 3672  
for any economic loss arising from an accident or collision that 3673  
was the direct and proximate result of the offender's operation 3674  
of the vehicle before, during, or after committing the offense 3675  
for which the offender is sentenced under division (G) of this 3676  
section. 3677

(8) As used in division (G) of this section, "electronic 3678  
monitoring," "mandatory prison term," and "mandatory term of 3679  
local incarceration" have the same meanings as in section 3680  
2929.01 of the Revised Code. 3681

(H) Whoever violates division (B) of this section is 3682  
guilty of operating a vehicle after underage alcohol consumption 3683  
and shall be punished as follows: 3684

(1) Except as otherwise provided in division (H) (2) of 3685  
this section, the offender is guilty of a misdemeanor of the 3686  
fourth degree. In addition to any other sanction imposed for the 3687  
offense, the court shall impose a class six suspension of the 3688  
offender's driver's license, commercial driver's license, 3689  
temporary instruction permit, probationary license, or 3690  
nonresident operating privilege from the range specified in 3691

division (A) (6) of section 4510.02 of the Revised Code. The 3692  
court may grant limited driving privileges relative to the 3693  
suspension under sections 4510.021 and 4510.13 of the Revised 3694  
Code. The court may grant unlimited driving privileges with an 3695  
ignition interlock device relative to the suspension and may 3696  
reduce the period of suspension as authorized under section 3697  
4510.022 of the Revised Code. If the court grants unlimited 3698  
driving privileges under section 4510.022 of the Revised Code, 3699  
the court shall suspend any jail term imposed under division (H) 3700  
(1) of this section as required under that section. 3701

(2) If, within one year of the offense, the offender 3702  
previously has been convicted of or pleaded guilty to one or 3703  
more violations of division (A) or (B) of this section or other 3704  
equivalent offenses, the offender is guilty of a misdemeanor of 3705  
the third degree. In addition to any other sanction imposed for 3706  
the offense, the court shall impose a class four suspension of 3707  
the offender's driver's license, commercial driver's license, 3708  
temporary instruction permit, probationary license, or 3709  
nonresident operating privilege from the range specified in 3710  
division (A) (4) of section 4510.02 of the Revised Code. The 3711  
court may grant limited driving privileges relative to the 3712  
suspension under sections 4510.021 and 4510.13 of the Revised 3713  
Code. 3714

(3) If the offender also is convicted of or also pleads 3715  
guilty to a specification of the type described in section 3716  
2941.1416 of the Revised Code and if the court imposes a jail 3717  
term for the violation of division (B) of this section, the 3718  
court shall impose upon the offender an additional definite jail 3719  
term pursuant to division (E) of section 2929.24 of the Revised 3720  
Code. 3721

(4) The offender shall provide the court with proof of 3722  
financial responsibility as defined in section 4509.01 of the 3723  
Revised Code. If the offender fails to provide that proof of 3724  
financial responsibility, then, in addition to any other 3725  
penalties provided by law, the court may order restitution 3726  
pursuant to section 2929.28 of the Revised Code in an amount not 3727  
exceeding five thousand dollars for any economic loss arising 3728  
from an accident or collision that was the direct and proximate 3729  
result of the offender's operation of the vehicle before, 3730  
during, or after committing the violation of division (B) of 3731  
this section. 3732

(I) (1) No court shall sentence an offender to an alcohol 3733  
treatment program under this section unless the treatment 3734  
program complies with the minimum standards for alcohol 3735  
treatment programs adopted under Chapter 5119. of the Revised 3736  
Code by the director of mental health and addiction services. 3737

(2) An offender who stays in a drivers' intervention 3738  
program or in an alcohol treatment program under an order issued 3739  
under this section shall pay the cost of the stay in the 3740  
program. However, if the court determines that an offender who 3741  
stays in an alcohol treatment program under an order issued 3742  
under this section is unable to pay the cost of the stay in the 3743  
program, the court may order that the cost be paid from the 3744  
court's indigent drivers' alcohol treatment fund. 3745

(J) If a person whose driver's or commercial driver's 3746  
license or permit or nonresident operating privilege is 3747  
suspended under this section files an appeal regarding any 3748  
aspect of the person's trial or sentence, the appeal itself does 3749  
not stay the operation of the suspension. 3750

(K) Division (A) (1) (j) of this section does not apply to a 3751

person who operates a vehicle, streetcar, or trackless trolley 3752  
while the person has a concentration of a listed controlled 3753  
substance or a listed metabolite of a controlled substance in 3754  
the person's whole blood, blood serum or plasma, or urine that 3755  
equals or exceeds the amount specified in that division, if both 3756  
of the following apply: 3757

(1) The person obtained the controlled substance pursuant 3758  
to a prescription issued by a licensed health professional 3759  
authorized to prescribe drugs. 3760

(2) The person injected, ingested, or inhaled the 3761  
controlled substance in accordance with the health 3762  
professional's directions. 3763

(L) The prohibited concentrations of a controlled 3764  
substance or a metabolite of a controlled substance listed in 3765  
division (A) (1) (j) of this section also apply in a prosecution 3766  
of a violation of division (D) of section 2923.16 of the Revised 3767  
Code in the same manner as if the offender is being prosecuted 3768  
for a prohibited concentration of alcohol. 3769

(M) All terms defined in section 4510.01 of the Revised 3770  
Code apply to this section. If the meaning of a term defined in 3771  
section 4510.01 of the Revised Code conflicts with the meaning 3772  
of the same term as defined in section 4501.01 or 4511.01 of the 3773  
Revised Code, the term as defined in section 4510.01 of the 3774  
Revised Code applies to this section. 3775

(N) (1) The Ohio Traffic Rules in effect on January 1, 3776  
2004, as adopted by the supreme court under authority of section 3777  
2937.46 of the Revised Code, do not apply to felony violations 3778  
of this section. Subject to division (N) (2) of this section, the 3779  
Rules of Criminal Procedure apply to felony violations of this 3780

section. 3781

(2) If, on or after January 1, 2004, the supreme court 3782  
modifies the Ohio Traffic Rules to provide procedures to govern 3783  
felony violations of this section, the modified rules shall 3784  
apply to felony violations of this section. 3785

**Sec. 4511.191.** (A) (1) As used in this section: 3786

(a) "Physical control" has the same meaning as in section 3787  
4511.194 of the Revised Code. 3788

(b) "Alcohol monitoring device" means any device that 3789  
provides for continuous alcohol monitoring, any ignition 3790  
interlock device, any immobilizing or disabling device other 3791  
than an ignition interlock device that is constantly available 3792  
to monitor the concentration of alcohol in a person's system, or 3793  
any other device that provides for the automatic testing and 3794  
periodic reporting of alcohol consumption by a person and that a 3795  
court orders a person to use as a sanction imposed as a result 3796  
of the person's conviction of or plea of guilty to an offense. 3797

(c) "Community addiction services provider" has the same 3798  
meaning as in section 5119.01 of the Revised Code. 3799

(2) Any person who operates a vehicle, streetcar, or 3800  
trackless trolley upon a highway or any public or private 3801  
property used by the public for vehicular travel or parking 3802  
within this state or who is in physical control of a vehicle, 3803  
streetcar, or trackless trolley shall be deemed to have given 3804  
consent to a chemical test or tests of the person's whole blood, 3805  
blood serum or plasma, breath, or urine to determine the 3806  
alcohol, drug of abuse, controlled substance, metabolite of a 3807  
controlled substance, or combination content of the person's 3808  
whole blood, blood serum or plasma, breath, or urine if arrested 3809



for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance.

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

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

(5) (a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a

controlled substance, or combination content of the person's 3840  
whole blood, blood serum or plasma, breath, or urine. A law 3841  
enforcement officer who makes a request pursuant to this 3842  
division that a person submit to a chemical test or tests is not 3843  
required to advise the person of the consequences of submitting 3844  
to, or refusing to submit to, the test or tests and is not 3845  
required to give the person the form described in division (B) 3846  
of section 4511.192 of the Revised Code, but the officer shall 3847  
advise the person at the time of the arrest that if the person 3848  
refuses to take a chemical test the officer may employ whatever 3849  
reasonable means are necessary to ensure that the person submits 3850  
to a chemical test of the person's whole blood or blood serum or 3851  
plasma. The officer shall also advise the person at the time of 3852  
the arrest that the person may have an independent chemical test 3853  
taken at the person's own expense. Divisions (A) (3) and (4) of 3854  
this section apply to the administration of a chemical test or 3855  
tests pursuant to this division. 3856

(b) If a person refuses to submit to a chemical test upon 3857  
a request made pursuant to division (A) (5) (a) of this section, 3858  
the law enforcement officer who made the request may employ 3859  
whatever reasonable means are necessary to ensure that the 3860  
person submits to a chemical test of the person's whole blood or 3861  
blood serum or plasma. A law enforcement officer who acts 3862  
pursuant to this division to ensure that a person submits to a 3863  
chemical test of the person's whole blood or blood serum or 3864  
plasma is immune from criminal and civil liability based upon a 3865  
claim for assault and battery or any other claim for the acts, 3866  
unless the officer so acted with malicious purpose, in bad 3867  
faith, or in a wanton or reckless manner. 3868

(B) (1) Upon receipt of the sworn report of a law 3869  
enforcement officer who arrested a person for a violation of 3870

division (A) or (B) of section 4511.19 of the Revised Code, 3871  
section 4511.194 of the Revised Code or a substantially 3872  
equivalent municipal ordinance, or a municipal OVI ordinance 3873  
that was completed and sent to the registrar of motor vehicles 3874  
and a court pursuant to section 4511.192 of the Revised Code in 3875  
regard to a person who refused to take the designated chemical 3876  
test, the registrar shall enter into the registrar's records the 3877  
fact that the person's driver's or commercial driver's license 3878  
or permit or nonresident operating privilege was suspended by 3879  
the arresting officer under this division and that section and 3880  
the period of the suspension, as determined under this section. 3881  
The suspension shall be subject to appeal as provided in section 3882  
4511.197 of the Revised Code. The suspension shall be for 3883  
whichever of the following periods applies: 3884

(a) Except when division (B) (1) (b), (c), or (d) of this 3885  
section applies and specifies a different class or length of 3886  
suspension, the suspension shall be a class C suspension for the 3887  
period of time specified in division (B) (3) of section 4510.02 3888  
of the Revised Code. 3889

(b) If the arrested person, within ~~six~~-ten years of the 3890  
date on which the person refused the request to consent to the 3891  
chemical test, had refused one previous request to consent to a 3892  
chemical test or had been convicted of or pleaded guilty to one 3893  
violation of division (A) or (B) of section 4511.19 of the 3894  
Revised Code or one other equivalent offense, the suspension 3895  
shall be a class B suspension imposed for the period of time 3896  
specified in division (B) (2) of section 4510.02 of the Revised 3897  
Code. 3898

(c) If the arrested person, within ~~six~~-ten years of the 3899  
date on which the person refused the request to consent to the 3900

chemical test, had refused two previous requests to consent to a 3901  
chemical test, had been convicted of or pleaded guilty to two 3902  
violations of division (A) or (B) of section 4511.19 of the 3903  
Revised Code or other equivalent offenses, or had refused one 3904  
previous request to consent to a chemical test and also had been 3905  
convicted of or pleaded guilty to one violation of division (A) 3906  
or (B) of section 4511.19 of the Revised Code or other 3907  
equivalent offenses, which violation or offense arose from an 3908  
incident other than the incident that led to the refusal, the 3909  
suspension shall be a class A suspension imposed for the period 3910  
of time specified in division (B) (1) of section 4510.02 of the 3911  
Revised Code. 3912

(d) If the arrested person, within ~~six~~ten years of the 3913  
date on which the person refused the request to consent to the 3914  
chemical test, had refused three or more previous requests to 3915  
consent to a chemical test, had been convicted of or pleaded 3916  
guilty to three or more violations of division (A) or (B) of 3917  
section 4511.19 of the Revised Code or other equivalent 3918  
offenses, or had refused a number of previous requests to 3919  
consent to a chemical test and also had been convicted of or 3920  
pleaded guilty to a number of violations of division (A) or (B) 3921  
of section 4511.19 of the Revised Code or other equivalent 3922  
offenses that cumulatively total three or more such refusals, 3923  
convictions, and guilty pleas, the suspension shall be for five 3924  
years. 3925

(2) The registrar shall terminate a suspension of the 3926  
driver's or commercial driver's license or permit of a resident 3927  
or of the operating privilege of a nonresident, or a denial of a 3928  
driver's or commercial driver's license or permit, imposed 3929  
pursuant to division (B) (1) of this section upon receipt of 3930  
notice that the person has entered a plea of guilty to, or that 3931

the person has been convicted after entering a plea of no 3932  
contest to, operating a vehicle in violation of section 4511.19 3933  
of the Revised Code or in violation of a municipal OVI 3934  
ordinance, if the offense for which the conviction is had or the 3935  
plea is entered arose from the same incident that led to the 3936  
suspension or denial. 3937

The registrar shall credit against any judicial suspension 3938  
of a person's driver's or commercial driver's license or permit 3939  
or nonresident operating privilege imposed pursuant to section 3940  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3941  
the Revised Code for a violation of a municipal OVI ordinance, 3942  
any time during which the person serves a related suspension 3943  
imposed pursuant to division (B) (1) of this section. 3944

(C) (1) Upon receipt of the sworn report of the law 3945  
enforcement officer who arrested a person for a violation of 3946  
division (A) or (B) of section 4511.19 of the Revised Code or a 3947  
municipal OVI ordinance that was completed and sent to the 3948  
registrar and a court pursuant to section 4511.192 of the 3949  
Revised Code in regard to a person whose test results indicate 3950  
that the person's whole blood, blood serum or plasma, breath, or 3951  
urine contained at least the concentration of alcohol specified 3952  
in division (A) (1) (b), (c), (d), or (e) of section 4511.19 of 3953  
the Revised Code or at least the concentration of a listed 3954  
controlled substance or a listed metabolite of a controlled 3955  
substance specified in division (A) (1) (j) of section 4511.19 of 3956  
the Revised Code, the registrar shall enter into the registrar's 3957  
records the fact that the person's driver's or commercial 3958  
driver's license or permit or nonresident operating privilege 3959  
was suspended by the arresting officer under this division and 3960  
section 4511.192 of the Revised Code and the period of the 3961  
suspension, as determined under divisions (C) (1) (a) to (d) of 3962

this section. The suspension shall be subject to appeal as 3963  
provided in section 4511.197 of the Revised Code. The suspension 3964  
described in this division does not apply to, and shall not be 3965  
imposed upon, a person arrested for a violation of section 3966  
4511.194 of the Revised Code or a substantially equivalent 3967  
municipal ordinance who submits to a designated chemical test. 3968  
The suspension shall be for whichever of the following periods 3969  
applies: 3970

(a) Except when division (C) (1) (b), (c), or (d) of this 3971  
section applies and specifies a different period, the suspension 3972  
shall be a class E suspension imposed for the period of time 3973  
specified in division (B) (5) of section 4510.02 of the Revised 3974  
Code. 3975

(b) The suspension shall be a class C suspension for the 3976  
period of time specified in division (B) (3) of section 4510.02 3977  
of the Revised Code if the person has been convicted of or 3978  
pleaded guilty to, within ~~six~~ten years of the date the test was 3979  
conducted, one violation of division (A) or (B) of section 3980  
4511.19 of the Revised Code or one other equivalent offense. 3981

(c) If, within ~~six~~ten years of the date the test was 3982  
conducted, the person has been convicted of or pleaded guilty to 3983  
two violations of a statute or ordinance described in division 3984  
(C) (1) (b) of this section, the suspension shall be a class B 3985  
suspension imposed for the period of time specified in division 3986  
(B) (2) of section 4510.02 of the Revised Code. 3987

(d) If, within ~~six~~ten years of the date the test was 3988  
conducted, the person has been convicted of or pleaded guilty to 3989  
more than two violations of a statute or ordinance described in 3990  
division (C) (1) (b) of this section, the suspension shall be a 3991  
class A suspension imposed for the period of time specified in 3992

division (B) (1) of section 4510.02 of the Revised Code. 3993

(2) The registrar shall terminate a suspension of the 3994  
driver's or commercial driver's license or permit of a resident 3995  
or of the operating privilege of a nonresident, or a denial of a 3996  
driver's or commercial driver's license or permit, imposed 3997  
pursuant to division (C) (1) of this section upon receipt of 3998  
notice that the person has entered a plea of guilty to, or that 3999  
the person has been convicted after entering a plea of no 4000  
contest to, operating a vehicle in violation of section 4511.19 4001  
of the Revised Code or in violation of a municipal OVI 4002  
ordinance, if the offense for which the conviction is had or the 4003  
plea is entered arose from the same incident that led to the 4004  
suspension or denial. 4005

The registrar shall credit against any judicial suspension 4006  
of a person's driver's or commercial driver's license or permit 4007  
or nonresident operating privilege imposed pursuant to section 4008  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 4009  
the Revised Code for a violation of a municipal OVI ordinance, 4010  
any time during which the person serves a related suspension 4011  
imposed pursuant to division (C) (1) of this section. 4012

(D) (1) A suspension of a person's driver's or commercial 4013  
driver's license or permit or nonresident operating privilege 4014  
under this section for the time described in division (B) or (C) 4015  
of this section is effective immediately from the time at which 4016  
the arresting officer serves the notice of suspension upon the 4017  
arrested person. Any subsequent finding that the person is not 4018  
guilty of the charge that resulted in the person being requested 4019  
to take the chemical test or tests under division (A) of this 4020  
section does not affect the suspension. 4021

(2) If a person is arrested for operating a vehicle, 4022

streetcar, or trackless trolley in violation of division (A) or 4023  
(B) of section 4511.19 of the Revised Code or a municipal OVI 4024  
ordinance, or for being in physical control of a vehicle, 4025  
streetcar, or trackless trolley in violation of section 4511.194 4026  
of the Revised Code or a substantially equivalent municipal 4027  
ordinance, regardless of whether the person's driver's or 4028  
commercial driver's license or permit or nonresident operating 4029  
privilege is or is not suspended under division (B) or (C) of 4030  
this section or Chapter 4510. of the Revised Code, the person's 4031  
initial appearance on the charge resulting from the arrest shall 4032  
be held within five days of the person's arrest or the issuance 4033  
of the citation to the person, subject to any continuance 4034  
granted by the court pursuant to section 4511.197 of the Revised 4035  
Code regarding the issues specified in that division. 4036

(E) When it finally has been determined under the 4037  
procedures of this section and sections 4511.192 to 4511.197 of 4038  
the Revised Code that a nonresident's privilege to operate a 4039  
vehicle within this state has been suspended, the registrar 4040  
shall give information in writing of the action taken to the 4041  
motor vehicle administrator of the state of the person's 4042  
residence and of any state in which the person has a license. 4043

(F) At the end of a suspension period under this section, 4044  
under section 4511.194, section 4511.196, or division (G) of 4045  
section 4511.19 of the Revised Code, or under section 4510.07 of 4046  
the Revised Code for a violation of a municipal OVI ordinance 4047  
and upon the request of the person whose driver's or commercial 4048  
driver's license or permit was suspended and who is not 4049  
otherwise subject to suspension, cancellation, or 4050  
disqualification, the registrar shall return the driver's or 4051  
commercial driver's license or permit to the person upon the 4052  
occurrence of all of the conditions specified in divisions (F) 4053



(1) and (2) of this section: 4054

(1) A showing that the person has proof of financial 4055  
responsibility, a policy of liability insurance in effect that 4056  
meets the minimum standards set forth in section 4509.51 of the 4057  
Revised Code, or proof, to the satisfaction of the registrar, 4058  
that the person is able to respond in damages in an amount at 4059  
least equal to the minimum amounts specified in section 4509.51 4060  
of the Revised Code. 4061

(2) Subject to the limitation contained in division (F)(3) 4062  
of this section, payment by the person to the registrar or an 4063  
eligible deputy registrar of a license reinstatement fee of four 4064  
hundred seventy-five dollars, which fee shall be deposited in 4065  
the state treasury and credited as follows: 4066

(a) One hundred twelve dollars and fifty cents shall be 4067  
credited to the statewide treatment and prevention fund created 4068  
by section 4301.30 of the Revised Code. Money credited to the 4069  
fund under this section shall be used for purposes identified 4070  
under section 5119.22 of the Revised Code. 4071

(b) Seventy-five dollars shall be credited to the 4072  
repairs fund created by section 2743.191 of the Revised 4073  
Code. 4074

(c) Thirty-seven dollars and fifty cents shall be credited 4075  
to the indigent drivers alcohol treatment fund, which is hereby 4076  
established in the state treasury. The department of mental 4077  
health and addiction services shall distribute the moneys in 4078  
that fund to the county indigent drivers alcohol treatment 4079  
funds, the county juvenile indigent drivers alcohol treatment 4080  
funds, and the municipal indigent drivers alcohol treatment 4081  
funds that are required to be established by counties and 4082

municipal corporations pursuant to division (H) of this section 4083  
to be used only as provided in division (H) (3) of this section. 4084  
Moneys in the fund that are not distributed to a county indigent 4085  
drivers alcohol treatment fund, a county juvenile indigent 4086  
drivers alcohol treatment fund, or a municipal indigent drivers 4087  
alcohol treatment fund under division (H) of this section 4088  
because the director of mental health and addiction services 4089  
does not have the information necessary to identify the county 4090  
or municipal corporation where the offender or juvenile offender 4091  
was arrested may be transferred by the director of budget and 4092  
management to the statewide treatment and prevention fund 4093  
created by section 4301.30 of the Revised Code, upon 4094  
certification of the amount by the director of mental health and 4095  
addiction services. 4096

(d) Seventy-five dollars shall be credited to the 4097  
opportunities for Ohioans with disabilities agency established 4098  
by section 3304.15 of the Revised Code, to the services for 4099  
rehabilitation fund, which is hereby established. The fund shall 4100  
be used to match available federal matching funds where 4101  
appropriate, and for any other purpose or program of the agency 4102  
to rehabilitate persons with disabilities to help them become 4103  
employed and independent. 4104

(e) Seventy-five dollars shall be deposited into the state 4105  
treasury and credited to the drug abuse resistance education 4106  
programs fund, which is hereby established, to be used by the 4107  
attorney general for the purposes specified in division (F) (4) 4108  
of this section. 4109

(f) Thirty dollars shall be credited to the state bureau 4110  
of motor vehicles fund created by section 4501.25 of the Revised 4111  
Code. 4112

(g) Twenty dollars shall be credited to the trauma and 4113  
emergency medical services fund created by section 4513.263 of 4114  
the Revised Code. 4115

(h) Fifty dollars shall be credited to the indigent 4116  
drivers interlock and alcohol monitoring fund, which is hereby 4117  
established in the state treasury. Moneys in the fund shall be 4118  
distributed by the department of public safety to the county 4119  
indigent drivers interlock and alcohol monitoring funds, the 4120  
county juvenile indigent drivers interlock and alcohol 4121  
monitoring funds, and the municipal indigent drivers interlock 4122  
and alcohol monitoring funds that are required to be established 4123  
by counties and municipal corporations pursuant to this section, 4124  
and shall be used only to pay the cost of an immobilizing or 4125  
disabling device, including a certified ignition interlock 4126  
device, or an alcohol monitoring device used by an offender or 4127  
juvenile offender who is ordered to use the device by a county, 4128  
juvenile, or municipal court judge and who is determined by the 4129  
county, juvenile, or municipal court judge not to have the means 4130  
to pay for the person's use of the device. 4131

(3) If a person's driver's or commercial driver's license 4132  
or permit is suspended under this section, under section 4133  
4511.196 or division (G) of section 4511.19 of the Revised Code, 4134  
under section 4510.07 of the Revised Code for a violation of a 4135  
municipal OVI ordinance or under any combination of the 4136  
suspensions described in division (F) (3) of this section, and if 4137  
the suspensions arise from a single incident or a single set of 4138  
facts and circumstances, the person is liable for payment of, 4139  
and shall be required to pay to the registrar or an eligible 4140  
deputy registrar, only one reinstatement fee of four hundred 4141  
seventy-five dollars. The reinstatement fee shall be distributed 4142  
by the bureau in accordance with division (F) (2) of this 4143

section. 4144

(4) The attorney general shall use amounts in the drug 4145  
abuse resistance education programs fund to award grants to law 4146  
enforcement agencies to establish and implement drug abuse 4147  
resistance education programs in public schools. Grants awarded 4148  
to a law enforcement agency under this section shall be used by 4149  
the agency to pay for not more than fifty per cent of the amount 4150  
of the salaries of law enforcement officers who conduct drug 4151  
abuse resistance education programs in public schools. The 4152  
attorney general shall not use more than six per cent of the 4153  
amounts the attorney general's office receives under division 4154  
(F) (2) (e) of this section to pay the costs it incurs in 4155  
administering the grant program established by division (F) (2) 4156  
(e) of this section and in providing training and materials 4157  
relating to drug abuse resistance education programs. 4158

The attorney general shall report to the governor and the 4159  
general assembly each fiscal year on the progress made in 4160  
establishing and implementing drug abuse resistance education 4161  
programs. These reports shall include an evaluation of the 4162  
effectiveness of these programs. 4163

(5) In addition to the reinstatement fee under this 4164  
section, if the person pays the reinstatement fee to a deputy 4165  
registrar, the deputy registrar shall collect a service fee of 4166  
ten dollars to compensate the deputy registrar for services 4167  
performed under this section. The deputy registrar shall retain 4168  
eight dollars of the service fee and shall transmit the 4169  
reinstatement fee, plus two dollars of the service fee, to the 4170  
registrar in the manner the registrar shall determine. 4171

(G) Suspension of a commercial driver's license under 4172  
division (B) or (C) of this section shall be concurrent with any 4173

period of disqualification under section 3123.611 or 4506.16 of 4174  
the Revised Code or any period of suspension under section 4175  
3123.58 of the Revised Code. No person who is disqualified for 4176  
life from holding a commercial driver's license under section 4177  
4506.16 of the Revised Code shall be issued a driver's license 4178  
under Chapter 4507. of the Revised Code during the period for 4179  
which the commercial driver's license was suspended under 4180  
division (B) or (C) of this section. No person whose commercial 4181  
driver's license is suspended under division (B) or (C) of this 4182  
section shall be issued a driver's license under Chapter 4507. 4183  
of the Revised Code during the period of the suspension. 4184

(H) (1) Each county shall establish an indigent drivers 4185  
alcohol treatment fund and a juvenile indigent drivers alcohol 4186  
treatment fund. Each municipal corporation in which there is a 4187  
municipal court shall establish an indigent drivers alcohol 4188  
treatment fund. All revenue that the general assembly 4189  
appropriates to the indigent drivers alcohol treatment fund for 4190  
transfer to a county indigent drivers alcohol treatment fund, a 4191  
county juvenile indigent drivers alcohol treatment fund, or a 4192  
municipal indigent drivers alcohol treatment fund, all portions 4193  
of fees that are paid under division (F) of this section and 4194  
that are credited under that division to the indigent drivers 4195  
alcohol treatment fund in the state treasury for a county 4196  
indigent drivers alcohol treatment fund, a county juvenile 4197  
indigent drivers alcohol treatment fund, or a municipal indigent 4198  
drivers alcohol treatment fund, all portions of additional costs 4199  
imposed under section 2949.094 of the Revised Code that are 4200  
specified for deposit into a county, county juvenile, or 4201  
municipal indigent drivers alcohol treatment fund by that 4202  
section, and all portions of fines that are specified for 4203  
deposit into a county or municipal indigent drivers alcohol 4204

treatment fund by section 4511.193 of the Revised Code shall be 4205  
deposited into that county indigent drivers alcohol treatment 4206  
fund, county juvenile indigent drivers alcohol treatment fund, 4207  
or municipal indigent drivers alcohol treatment fund. The 4208  
portions of the fees paid under division (F) of this section 4209  
that are to be so deposited shall be determined in accordance 4210  
with division (H) (2) of this section. Additionally, all portions 4211  
of fines that are paid for a violation of section 4511.19 of the 4212  
Revised Code or of any prohibition contained in Chapter 4510. of 4213  
the Revised Code, and that are required under section 4511.19 or 4214  
any provision of Chapter 4510. of the Revised Code to be 4215  
deposited into a county indigent drivers alcohol treatment fund 4216  
or municipal indigent drivers alcohol treatment fund shall be 4217  
deposited into the appropriate fund in accordance with the 4218  
applicable division of the section or provision. 4219

(2) That portion of the license reinstatement fee that is 4220  
paid under division (F) of this section and that is credited 4221  
under that division to the indigent drivers alcohol treatment 4222  
fund shall be deposited into a county indigent drivers alcohol 4223  
treatment fund, a county juvenile indigent drivers alcohol 4224  
treatment fund, or a municipal indigent drivers alcohol 4225  
treatment fund as follows: 4226

(a) Regarding a suspension imposed under this section, 4227  
that portion of the fee shall be deposited as follows: 4228

(i) If the fee is paid by a person who was charged in a 4229  
county court with the violation that resulted in the suspension 4230  
or in the imposition of the court costs, the portion shall be 4231  
deposited into the county indigent drivers alcohol treatment 4232  
fund under the control of that court; 4233

(ii) If the fee is paid by a person who was charged in a 4234

juvenile court with the violation that resulted in the 4235  
suspension or in the imposition of the court costs, the portion 4236  
shall be deposited into the county juvenile indigent drivers 4237  
alcohol treatment fund established in the county served by the 4238  
court; 4239

(iii) If the fee is paid by a person who was charged in a 4240  
municipal court with the violation that resulted in the 4241  
suspension or in the imposition of the court costs, the portion 4242  
shall be deposited into the municipal indigent drivers alcohol 4243  
treatment fund under the control of that court. 4244

(b) Regarding a suspension imposed under section 4511.19 4245  
of the Revised Code or under section 4510.07 of the Revised Code 4246  
for a violation of a municipal OVI ordinance, that portion of 4247  
the fee shall be deposited as follows: 4248

(i) If the fee is paid by a person whose license or permit 4249  
was suspended by a county court, the portion shall be deposited 4250  
into the county indigent drivers alcohol treatment fund under 4251  
the control of that court; 4252

(ii) If the fee is paid by a person whose license or 4253  
permit was suspended by a municipal court, the portion shall be 4254  
deposited into the municipal indigent drivers alcohol treatment 4255  
fund under the control of that court. 4256

(3) (a) As used in division (H) (3) of this section, 4257  
"indigent person" means a person who is convicted of a violation 4258  
of division (A) or (B) of section 4511.19 of the Revised Code or 4259  
a substantially similar municipal ordinance or found to be a 4260  
juvenile traffic offender by reason of a violation of division 4261  
(A) or (B) of section 4511.19 of the Revised Code or a 4262  
substantially similar municipal ordinance, who is ordered by the 4263

court to attend an alcohol and drug addiction treatment program, 4264  
and who is determined by the court under division (H) (5) of this 4265  
section to be unable to pay the cost of the assessment or the 4266  
cost of attendance at the treatment program. 4267

(b) A county, juvenile, or municipal court judge, by 4268  
order, may make expenditures from a county indigent drivers 4269  
alcohol treatment fund, a county juvenile indigent drivers 4270  
alcohol treatment fund, or a municipal indigent drivers alcohol 4271  
treatment fund with respect to an indigent person for any of the 4272  
following: 4273

(i) To pay the cost of an assessment that is conducted by 4274  
an appropriately licensed clinician at either a driver 4275  
intervention program that is certified under section 5119.38 of 4276  
the Revised Code or at a community addiction services provider 4277  
that is certified under section 5119.36 of the Revised Code; 4278

(ii) To pay the cost of alcohol addiction services, drug 4279  
addiction services, or integrated alcohol and drug addiction 4280  
services at a community addiction services provider that is 4281  
certified under section 5119.36 of the Revised Code; 4282

(iii) To pay the cost of transportation to attend an 4283  
assessment as provided under division (H) (3) (b) (i) of this 4284  
section or addiction services as provided under division (H) (3) 4285  
(b) (ii) of this section. 4286

The alcohol and drug addiction services board or the board 4287  
of alcohol, drug addiction, and mental health services 4288  
established pursuant to section 340.02 or 340.021 of the Revised 4289  
Code and serving the alcohol, drug addiction, and mental health 4290  
service district in which the court is located shall administer 4291  
the indigent drivers alcohol treatment program of the court. 4292



When a court orders an offender or juvenile traffic offender to 4293  
obtain an assessment or attend an alcohol and drug addiction 4294  
treatment program, the board shall determine which program is 4295  
suitable to meet the needs of the offender or juvenile traffic 4296  
offender, and when a suitable program is located and space is 4297  
available at the program, the offender or juvenile traffic 4298  
offender shall attend the program designated by the board. A 4299  
reasonable amount not to exceed five per cent of the amounts 4300  
credited to and deposited into the county indigent drivers 4301  
alcohol treatment fund, the county juvenile indigent drivers 4302  
alcohol treatment fund, or the municipal indigent drivers 4303  
alcohol treatment fund serving every court whose program is 4304  
administered by that board shall be paid to the board to cover 4305  
the costs it incurs in administering those indigent drivers 4306  
alcohol treatment programs. 4307

(c) Upon exhaustion of moneys in the indigent drivers 4308  
interlock and alcohol monitoring fund for the use of an alcohol 4309  
monitoring device, a county, juvenile, or municipal court judge 4310  
may use moneys in the county indigent drivers alcohol treatment 4311  
fund, county juvenile indigent drivers alcohol treatment fund, 4312  
or municipal indigent drivers alcohol treatment fund in either 4313  
of the following manners: 4314

(i) If the source of the moneys was an appropriation of 4315  
the general assembly, a portion of a fee that was paid under 4316  
division (F) of this section, a portion of a fine that was 4317  
specified for deposit into the fund by section 4511.193 of the 4318  
Revised Code, or a portion of a fine that was paid for a 4319  
violation of section 4511.19 of the Revised Code or of a 4320  
provision contained in Chapter 4510. of the Revised Code that 4321  
was required to be deposited into the fund, to pay for the 4322  
continued use of an alcohol monitoring device by an offender or 4323

juvenile traffic offender, in conjunction with a treatment 4324  
program approved by the department of mental health and 4325  
addiction services, when such use is determined clinically 4326  
necessary by the treatment program and when the court determines 4327  
that the offender or juvenile traffic offender is unable to pay 4328  
all or part of the daily monitoring or cost of the device; 4329

(ii) If the source of the moneys was a portion of an 4330  
additional court cost imposed under section 2949.094 of the 4331  
Revised Code, to pay for the continued use of an alcohol 4332  
monitoring device by an offender or juvenile traffic offender 4333  
when the court determines that the offender or juvenile traffic 4334  
offender is unable to pay all or part of the daily monitoring or 4335  
cost of the device. The moneys may be used for a device as 4336  
described in this division if the use of the device is in 4337  
conjunction with a treatment program approved by the department 4338  
of mental health and addiction services, when the use of the 4339  
device is determined clinically necessary by the treatment 4340  
program, but the use of a device is not required to be in 4341  
conjunction with a treatment program approved by the department 4342  
in order for the moneys to be used for the device as described 4343  
in this division. 4344

(4) If a county, juvenile, or municipal court determines, 4345  
in consultation with the alcohol and drug addiction services 4346  
board or the board of alcohol, drug addiction, and mental health 4347  
services established pursuant to section 340.02 or 340.021 of 4348  
the Revised Code and serving the alcohol, drug addiction, and 4349  
mental health district in which the court is located, that the 4350  
funds in the county indigent drivers alcohol treatment fund, the 4351  
county juvenile indigent drivers alcohol treatment fund, or the 4352  
municipal indigent drivers alcohol treatment fund under the 4353  
control of the court are more than sufficient to satisfy the 4354

purpose for which the fund was established, as specified in 4355  
divisions (H) (1) to (3) of this section, the court may declare a 4356  
surplus in the fund. If the court declares a surplus in the 4357  
fund, the court may take any of the following actions with 4358  
regard to the amount of the surplus in the fund: 4359

(a) Expend any of the surplus amount for alcohol and drug 4360  
abuse assessment and treatment, and for the cost of 4361  
transportation related to assessment and treatment, of persons 4362  
who are charged in the court with committing a criminal offense 4363  
or with being a delinquent child or juvenile traffic offender 4364  
and in relation to whom both of the following apply: 4365

(i) The court determines that substance abuse was a 4366  
contributing factor leading to the criminal or delinquent 4367  
activity or the juvenile traffic offense with which the person 4368  
is charged. 4369

(ii) The court determines that the person is unable to pay 4370  
the cost of the alcohol and drug abuse assessment and treatment 4371  
for which the surplus money will be used. 4372

(b) Expend any of the surplus amount to pay all or part of 4373  
the cost of purchasing alcohol monitoring devices to be used in 4374  
conjunction with division (H) (3) (c) of this section, upon 4375  
exhaustion of moneys in the indigent drivers interlock and 4376  
alcohol monitoring fund for the use of an alcohol monitoring 4377  
device. 4378

(c) Transfer to another court in the same county any of 4379  
the surplus amount to be utilized in a manner consistent with 4380  
division (H) (3) of this section. If surplus funds are 4381  
transferred to another court, the court that transfers the funds 4382  
shall notify the alcohol and drug addiction services board or 4383

the board of alcohol, drug addiction, and mental health services 4384  
that serves the alcohol, drug addiction, and mental health 4385  
service district in which that court is located. 4386

(d) Transfer to the alcohol and drug addiction services 4387  
board or the board of alcohol, drug addiction, and mental health 4388  
services that serves the alcohol, drug addiction, and mental 4389  
health service district in which the court is located any of the 4390  
surplus amount to be utilized in a manner consistent with 4391  
division (H) (3) of this section or for board contracted recovery 4392  
support services. 4393

(5) In order to determine if an offender does not have the 4394  
means to pay for the offender's attendance at an alcohol and 4395  
drug addiction treatment program for purposes of division (H) (3) 4396  
of this section or if an alleged offender or delinquent child is 4397  
unable to pay the costs specified in division (H) (4) of this 4398  
section, the court shall use the indigent client eligibility 4399  
guidelines and the standards of indigency established by the 4400  
state public defender to make the determination. 4401

(6) The court shall identify and refer any community 4402  
addiction services provider that intends to provide addiction 4403  
services and has not had its addiction services certified under 4404  
section 5119.36 of the Revised Code and that is interested in 4405  
receiving amounts from the surplus in the fund declared under 4406  
division (H) (4) of this section to the department of mental 4407  
health and addiction services in order for the community 4408  
addiction services provider to have its addiction services 4409  
certified by the department. The department shall keep a record 4410  
of applicant referrals received pursuant to this division and 4411  
shall submit a report on the referrals each year to the general 4412  
assembly. If a community addiction services provider interested 4413

in having its addiction services certified makes an application 4414  
pursuant to section 5119.36 of the Revised Code, the community 4415  
addiction services provider is eligible to receive surplus funds 4416  
as long as the application is pending with the department. The 4417  
department of mental health and addiction services must offer 4418  
technical assistance to the applicant. If the interested 4419  
community addiction services provider withdraws the 4420  
certification application, the department must notify the court, 4421  
and the court shall not provide the interested community 4422  
addiction services provider with any further surplus funds. 4423

(7) (a) Each alcohol and drug addiction services board and 4424  
board of alcohol, drug addiction, and mental health services 4425  
established pursuant to section 340.02 or 340.021 of the Revised 4426  
Code shall submit to the department of mental health and 4427  
addiction services an annual report for each indigent drivers 4428  
alcohol treatment fund in that board's area. 4429

(b) The report, which shall be submitted not later than 4430  
sixty days after the end of the state fiscal year, shall provide 4431  
the total payment that was made from the fund, including the 4432  
number of indigent consumers that received treatment services 4433  
and the number of indigent consumers that received an alcohol 4434  
monitoring device. The report shall identify the treatment 4435  
program and expenditure for an alcohol monitoring device for 4436  
which that payment was made. The report shall include the fiscal 4437  
year balance of each indigent drivers alcohol treatment fund 4438  
located in that board's area. In the event that a surplus is 4439  
declared in the fund pursuant to division (H) (4) of this 4440  
section, the report also shall provide the total payment that 4441  
was made from the surplus moneys and identify the authorized 4442  
purpose for which that payment was made. 4443

(c) If a board is unable to obtain adequate information to 4444  
develop the report to submit to the department for a particular 4445  
indigent drivers alcohol treatment fund, the board shall submit 4446  
a report detailing the effort made in obtaining the information. 4447

(I) (1) Each county shall establish an indigent drivers 4448  
interlock and alcohol monitoring fund and a juvenile indigent 4449  
drivers interlock and alcohol treatment fund. Each municipal 4450  
corporation in which there is a municipal court shall establish 4451  
an indigent drivers interlock and alcohol monitoring fund. All 4452  
revenue that the general assembly appropriates to the indigent 4453  
drivers interlock and alcohol monitoring fund for transfer to a 4454  
county indigent drivers interlock and alcohol monitoring fund, a 4455  
county juvenile indigent drivers interlock and alcohol 4456  
monitoring fund, or a municipal indigent drivers interlock and 4457  
alcohol monitoring fund, all portions of license reinstatement 4458  
fees that are paid under division (F) (2) of this section and 4459  
that are credited under that division to the indigent drivers 4460  
interlock and alcohol monitoring fund in the state treasury, and 4461  
all portions of fines that are paid under division (G) of 4462  
section 4511.19 of the Revised Code and that are credited by 4463  
division (G) (5) (e) of that section to the indigent drivers 4464  
interlock and alcohol monitoring fund in the state treasury 4465  
shall be deposited in the appropriate fund in accordance with 4466  
division (I) (2) of this section. 4467

(2) That portion of the license reinstatement fee that is 4468  
paid under division (F) of this section and that portion of the 4469  
fine paid under division (G) of section 4511.19 of the Revised 4470  
Code and that is credited under either division to the indigent 4471  
drivers interlock and alcohol monitoring fund shall be deposited 4472  
into a county indigent drivers interlock and alcohol monitoring 4473  
fund, a county juvenile indigent drivers interlock and alcohol 4474

monitoring fund, or a municipal indigent drivers interlock and 4475  
alcohol monitoring fund as follows: 4476

(a) If the fee or fine is paid by a person who was charged 4477  
in a county court with the violation that resulted in the 4478  
suspension or fine, the portion shall be deposited into the 4479  
county indigent drivers interlock and alcohol monitoring fund 4480  
under the control of that court. 4481

(b) If the fee or fine is paid by a person who was charged 4482  
in a juvenile court with the violation that resulted in the 4483  
suspension or fine, the portion shall be deposited into the 4484  
county juvenile indigent drivers interlock and alcohol 4485  
monitoring fund established in the county served by the court. 4486

(c) If the fee or fine is paid by a person who was charged 4487  
in a municipal court with the violation that resulted in the 4488  
suspension, the portion shall be deposited into the municipal 4489  
indigent drivers interlock and alcohol monitoring fund under the 4490  
control of that court. 4491

(3) If a county, juvenile, or municipal court determines 4492  
that the funds in the county indigent drivers interlock and 4493  
alcohol monitoring fund, the county juvenile indigent drivers 4494  
interlock and alcohol monitoring fund, or the municipal indigent 4495  
drivers interlock and alcohol monitoring fund under the control 4496  
of that court are more than sufficient to satisfy the purpose 4497  
for which the fund was established as specified in division (F) 4498  
(2) (h) of this section, the court may declare a surplus in the 4499  
fund. The court then may order the transfer of a specified 4500  
amount into the county indigent drivers alcohol treatment fund, 4501  
the county juvenile indigent drivers alcohol treatment fund, or 4502  
the municipal indigent drivers alcohol treatment fund under the 4503  
control of that court to be utilized in accordance with division 4504

(H) of this section. 4505

**Sec. 4511.193.** (A) Twenty-five dollars of any fine imposed 4506  
for a violation of a municipal OVI ordinance shall be deposited 4507  
into the municipal or county indigent drivers alcohol treatment 4508  
fund created pursuant to division (H) of section 4511.191 of the 4509  
Revised Code in accordance with this section and section 733.40, 4510  
divisions (A), (B), and (C) of section 1901.024, division (F) of 4511  
section 1901.31, or division (C) of section 1907.20 of the 4512  
Revised Code. Regardless of whether the fine is imposed by a 4513  
municipal court, a mayor's court, or a juvenile court, if the 4514  
fine was imposed for a violation of an ordinance of a municipal 4515  
corporation that is within the jurisdiction of a county-operated 4516  
municipal court or a municipal court that is not a county- 4517  
operated municipal court, the twenty-five dollars that is 4518  
subject to this section shall be deposited into the indigent 4519  
drivers alcohol treatment fund of the county in which that 4520  
municipal corporation is located if the municipal court that has 4521  
jurisdiction over that municipal corporation is a county- 4522  
operated municipal court or of the municipal corporation in 4523  
which is located the municipal court that has jurisdiction over 4524  
that municipal corporation if that municipal court is not a 4525  
county-operated municipal court. Regardless of whether the fine 4526  
is imposed by a county court, a mayor's court, or a juvenile 4527  
court, if the fine was imposed for a violation of an ordinance 4528  
of a municipal corporation that is within the jurisdiction of a 4529  
county court, the twenty-five dollars that is subject to this 4530  
section shall be deposited into the indigent drivers alcohol 4531  
treatment fund of the county in which is located the county 4532  
court that has jurisdiction over that municipal corporation. The 4533  
deposit shall be made in accordance with section 733.40, 4534  
divisions (A), (B), and (C) of section 1901.024, division (F) of 4535



section 1901.31, or division (C) of section 1907.20 of the Revised Code. (B) Any court cost imposed as a result of a violation of a municipal ordinance that is a moving violation and designated for an indigent drivers alcohol treatment fund established pursuant to division (H) of section 4511.191 of the Revised Code shall be deposited into the municipal or county indigent drivers alcohol treatment fund created pursuant to division (H) of section 4511.191 of the Revised Code in accordance with this section and section 733.40, divisions (A), (B), and (C) of section 1901.024, division (F) of section 1901.31, or division (C) of section 1907.20 of the Revised Code. Regardless of whether the court cost is imposed by a municipal court, a mayor's court, or a juvenile court, if the court cost was imposed for a violation of an ordinance of a municipal corporation that is within the jurisdiction of a county-operated municipal court or a municipal court that is not a county-operated municipal court, the court cost that is subject to this section shall be deposited into the indigent drivers alcohol treatment fund of the county in which that municipal corporation is located if the municipal court that has jurisdiction over that municipal corporation is a county-operated municipal court or of the municipal corporation in which is located the municipal court that has jurisdiction over that municipal corporation if that municipal court is not a county-operated municipal court. Regardless of whether the court cost is imposed by a county court, a mayor's court, or a juvenile court, if the court cost was imposed for a violation of an ordinance of a municipal corporation that is within the jurisdiction of a county court, the court cost that is subject to this section shall be deposited into the indigent drivers alcohol treatment

fund of the county in which is located the county court that has 4567  
jurisdiction over that municipal corporation. The deposit shall 4568  
be made in accordance with section 733.40, divisions (A), (B), 4569  
and (C) of section 1901.024, division (F) of section 1901.31, or 4570  
division (C) of section 1907.20 of the Revised Code. 4571

(C) (1) The requirements and sanctions imposed by divisions 4572  
(C) (1) and (2) of this section are an adjunct to and derive from 4573  
the state's exclusive authority over the registration and 4574  
titling of motor vehicles and do not comprise a part of the 4575  
criminal sentence to be imposed upon a person who violates a 4576  
municipal OVI ordinance. 4577

(2) If a person is convicted of or pleads guilty to a 4578  
violation of a municipal OVI ordinance, if the vehicle the 4579  
offender was operating at the time of the offense is registered 4580  
in the offender's name, and if, within ~~six-ten~~ years of the 4581  
current offense, the offender has been convicted of or pleaded 4582  
guilty to one or more violations of division (A) or (B) of 4583  
section 4511.19 of the Revised Code or one or more other 4584  
equivalent offenses, the court, in addition to and independent 4585  
of any sentence that it imposes upon the offender for the 4586  
offense, shall do whichever of the following is applicable: 4587

(a) Except as otherwise provided in division (C) (2) (b) of 4588  
this section, if, within ~~six-ten~~ years of the current offense, 4589  
the offender has been convicted of or pleaded guilty to one 4590  
violation described in division (C) (2) of this section, the 4591  
court shall order the immobilization for ninety days of that 4592  
vehicle and the impoundment for ninety days of the license 4593  
plates of that vehicle. The order for the immobilization and 4594  
impoundment shall be issued and enforced in accordance with 4595  
section 4503.233 of the Revised Code. 4596

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

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

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

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

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

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

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

(3) "Interested party" includes the owner of a vehicle 4626  
seized under this section, all lienholders, the arrested person, 4627  
the owner of the place of storage at which a vehicle seized 4628  
under this section is stored, and the person or entity that 4629  
caused the vehicle to be removed. 4630

(B) (1) The arresting officer or another officer of the law 4631  
enforcement agency that employs the arresting officer, in 4632  
addition to any action that the arresting officer is required or 4633  
authorized to take by section 4511.19 or 4511.191 of the Revised 4634  
Code or by any other provision of law, shall seize the vehicle 4635  
that a person was operating at the time of the alleged offense 4636  
and its license plates if the vehicle is registered in the 4637  
arrested person's name and if either of the following applies: 4638

(a) The person is arrested for a violation of division (A) 4639  
of section 4511.19 of the Revised Code or of a municipal OVI 4640  
ordinance and, within ~~six~~ten years of the alleged violation, 4641  
the person previously has been convicted of or pleaded guilty to 4642  
one or more violations of division (A) or (B) of section 4511.19 4643  
of the Revised Code or one or more other equivalent offenses. 4644

(b) The person is arrested for a violation of division (A) 4645  
of section 4511.19 of the Revised Code or of a municipal OVI 4646  
ordinance and the person previously has been convicted of or 4647  
pleaded guilty to a violation of division (A) of section 4511.19 4648  
of the Revised Code under circumstances in which the violation 4649  
was a felony, regardless of when the prior felony violation of 4650  
division (A) of section 4511.19 of the Revised Code and the 4651  
conviction or guilty plea occurred. 4652

(2) A law enforcement agency that employs a law 4653  
enforcement officer who makes an arrest of a type that is 4654  
described in division (B) (1) of this section and that involves a 4655

rented or leased vehicle that is being rented or leased for a 4656  
period of thirty days or less shall notify, within twenty-four 4657  
hours after the officer makes the arrest, the lessor or owner of 4658  
the vehicle regarding the circumstances of the arrest and the 4659  
location at which the vehicle may be picked up. At the time of 4660  
the seizure of the vehicle, the law enforcement officer who made 4661  
the arrest shall give the arrested person written notice that 4662  
the vehicle and its license plates have been seized; that the 4663  
vehicle either will be kept by the officer's law enforcement 4664  
agency or will be immobilized at least until the operator's 4665  
initial appearance on the charge of the offense for which the 4666  
arrest was made; that, at the initial appearance, the court in 4667  
certain circumstances may order that the vehicle and license 4668  
plates be released to the arrested person until the disposition 4669  
of that charge; and that, if the arrested person is convicted of 4670  
that charge, the court generally must order the immobilization 4671  
of the vehicle and the impoundment of its license plates, or the 4672  
forfeiture of the vehicle. 4673

(3) The arresting officer or a law enforcement officer of 4674  
the agency that employs the arresting officer shall give written 4675  
notice of the seizure to the court that will conduct the initial 4676  
appearance of the arrested person on the charges arising out of 4677  
the arrest. Upon receipt of the notice, the court promptly shall 4678  
determine whether the arrested person is the vehicle owner. If 4679  
the court determines that the arrested person is not the vehicle 4680  
owner, it promptly shall send by regular mail written notice of 4681  
the seizure to the vehicle's registered owner. The written 4682  
notice shall contain all of the information required by division 4683  
(B) (2) of this section to be in a notice to be given to the 4684  
arrested person and also shall specify the date, time, and place 4685  
of the arrested person's initial appearance. The notice also 4686

shall inform the vehicle owner that if title to a motor vehicle 4687  
that is subject to an order for criminal forfeiture under this 4688  
section is assigned or transferred and division (B) (2) or (3) of 4689  
section 4503.234 of the Revised Code applies, the court may fine 4690  
the arrested person the value of the vehicle. The notice also 4691  
shall state that if the vehicle is immobilized under division 4692  
(A) of section 4503.233 of the Revised Code, seven days after 4693  
the end of the period of immobilization a law enforcement agency 4694  
will send the vehicle owner a notice, informing the owner that 4695  
if the release of the vehicle is not obtained in accordance with 4696  
division (D) (3) of section 4503.233 of the Revised Code, the 4697  
vehicle shall be forfeited. The notice also shall inform the 4698  
vehicle owner that the vehicle owner may be charged expenses or 4699  
charges incurred under this section and section 4503.233 of the 4700  
Revised Code for the removal and storage of the vehicle. 4701

The written notice that is given to the arrested person 4702  
also shall state that if the person is convicted of or pleads 4703  
guilty to the offense and the court issues an immobilization and 4704  
impoundment order relative to that vehicle, division (D) (4) of 4705  
section 4503.233 of the Revised Code prohibits the vehicle from 4706  
being sold during the period of immobilization without the prior 4707  
approval of the court. 4708

(4) At or before the initial appearance, the vehicle owner 4709  
may file a motion requesting the court to order that the vehicle 4710  
and its license plates be released to the vehicle owner. Except 4711  
as provided in this division and subject to the payment of 4712  
expenses or charges incurred in the removal and storage of the 4713  
vehicle, the court, in its discretion, then may issue an order 4714  
releasing the vehicle and its license plates to the vehicle 4715  
owner. Such an order may be conditioned upon such terms as the 4716  
court determines appropriate, including the posting of a bond in 4717

an amount determined by the court. If the arrested person is not 4718  
the vehicle owner and if the vehicle owner is not present at the 4719  
arrested person's initial appearance, and if the court believes 4720  
that the vehicle owner was not provided with adequate notice of 4721  
the initial appearance, the court, in its discretion, may allow 4722  
the vehicle owner to file a motion within seven days of the 4723  
initial appearance. If the court allows the vehicle owner to 4724  
file such a motion after the initial appearance, the extension 4725  
of time granted by the court does not extend the time within 4726  
which the initial appearance is to be conducted. If the court 4727  
issues an order for the release of the vehicle and its license 4728  
plates, a copy of the order shall be made available to the 4729  
vehicle owner. If the vehicle owner presents a copy of the order 4730  
to the law enforcement agency that employs the law enforcement 4731  
officer who arrested the arrested person, the law enforcement 4732  
agency promptly shall release the vehicle and its license plates 4733  
to the vehicle owner upon payment by the vehicle owner of any 4734  
expenses or charges incurred in the removal and storage of the 4735  
vehicle. 4736

(5) A vehicle seized under division (B)(1) of this section 4737  
either shall be towed to a place specified by the law 4738  
enforcement agency that employs the arresting officer to be 4739  
safely kept by the agency at that place for the time and in the 4740  
manner specified in this section or shall be otherwise 4741  
immobilized for the time and in the manner specified in this 4742  
section. A law enforcement officer of that agency shall remove 4743  
the identification license plates of the vehicle, and they shall 4744  
be safely kept by the agency for the time and in the manner 4745  
specified in this section. No vehicle that is seized and either 4746  
towed or immobilized pursuant to this division shall be 4747  
considered contraband for purposes of Chapter 2981. of the 4748

Revised Code. The vehicle shall not be immobilized at any place 4749  
other than a commercially operated private storage lot, a place 4750  
owned by a law enforcement agency or other government agency, or 4751  
a place to which one of the following applies: 4752

(a) The place is leased by or otherwise under the control 4753  
of a law enforcement agency or other government agency. 4754

(b) The place is owned by the vehicle operator, the 4755  
vehicle operator's spouse, or a parent or child of the vehicle 4756  
operator. 4757

(c) The place is owned by a private person or entity, and, 4758  
prior to the immobilization, the private entity or person that 4759  
owns the place, or the authorized agent of that private entity 4760  
or person, has given express written consent for the 4761  
immobilization to be carried out at that place. 4762

(d) The place is a street or highway on which the vehicle 4763  
is parked in accordance with the law. 4764

(C) (1) A vehicle seized under division (B) of this section 4765  
shall be safely kept at the place to which it is towed or 4766  
otherwise moved by the law enforcement agency that employs the 4767  
arresting officer until the initial appearance of the arrested 4768  
person relative to the charge in question. The license plates of 4769  
the vehicle that are removed pursuant to division (B) of this 4770  
section shall be safely kept by the law enforcement agency that 4771  
employs the arresting officer until the initial appearance of 4772  
the arrested person relative to the charge in question. 4773

(2) (a) At the initial appearance or not less than seven 4774  
days prior to the date of final disposition, the court shall 4775  
notify the arrested person that, if title to a motor vehicle 4776  
that is subject to an order for criminal forfeiture under this 4777



section is assigned or transferred and division (B) (2) or (3) of 4778  
section 4503.234 of the Revised Code applies, the court may fine 4779  
the arrested person the value of the vehicle. If, at the initial 4780  
appearance, the arrested person pleads guilty to the violation 4781  
of division (A) of section 4511.19 of the Revised Code or of the 4782  
municipal OVI ordinance or pleads no contest to and is convicted 4783  
of the violation, the court shall impose sentence upon the 4784  
person as provided by law or ordinance; the court shall order 4785  
the immobilization of the vehicle the arrested person was 4786  
operating at the time of the offense if registered in the 4787  
arrested person's name and the impoundment of its license plates 4788  
under section 4503.233 and section 4511.19 or 4511.193 of the 4789  
Revised Code or the criminal forfeiture to the state of the 4790  
vehicle if registered in the arrested person's name under 4791  
section 4503.234 and section 4511.19 or 4511.193 of the Revised 4792  
Code, whichever is applicable; and the vehicle and its license 4793  
plates shall not be returned or released to the arrested person. 4794

(b) If, at any time, the charge that the arrested person 4795  
violated division (A) of section 4511.19 of the Revised Code or 4796  
the municipal OVI ordinance is dismissed for any reason, the 4797  
court shall order that the vehicle seized at the time of the 4798  
arrest and its license plates immediately be released to the 4799  
person. 4800

(D) If a vehicle and its license plates are seized under 4801  
division (B) of this section and are not returned or released to 4802  
the arrested person pursuant to division (C) of this section, 4803  
the vehicle and its license plates shall be retained until the 4804  
final disposition of the charge in question. Upon the final 4805  
disposition of that charge, the court shall do whichever of the 4806  
following is applicable: 4807

(1) If the arrested person is convicted of or pleads 4808  
guilty to the violation of division (A) of section 4511.19 of 4809  
the Revised Code or of the municipal OVI ordinance, the court 4810  
shall impose sentence upon the person as provided by law or 4811  
ordinance and shall order the immobilization of the vehicle the 4812  
person was operating at the time of the offense if it is 4813  
registered in the arrested person's name and the impoundment of 4814  
its license plates under section 4503.233 and section 4511.19 or 4815  
4511.193 of the Revised Code, or the criminal forfeiture of the 4816  
vehicle if it is registered in the arrested person's name under 4817  
section 4503.234 and section 4511.19 or 4511.193 of the Revised 4818  
Code, whichever is applicable. 4819

(2) If the arrested person is found not guilty of the 4820  
violation of division (A) of section 4511.19 of the Revised Code 4821  
or of the municipal OVI ordinance, the court shall order that 4822  
the vehicle and its license plates immediately be released to 4823  
the arrested person. 4824

(3) If the charge that the arrested person violated 4825  
division (A) of section 4511.19 of the Revised Code or the 4826  
municipal OVI ordinance is dismissed for any reason, the court 4827  
shall order that the vehicle and its license plates immediately 4828  
be released to the arrested person. 4829

(4) If the impoundment of the vehicle was not authorized 4830  
under this section, the court shall order that the vehicle and 4831  
its license plates be returned immediately to the arrested 4832  
person or, if the arrested person is not the vehicle owner, to 4833  
the vehicle owner, and shall order that the state or political 4834  
subdivision of the law enforcement agency served by the law 4835  
enforcement officer who seized the vehicle pay all expenses and 4836  
charges incurred in its removal and storage. 4837

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

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

Any lienholder that receives title under a court order shall do so on the condition that it pay any expenses or charges incurred in the vehicle's removal and storage. If the person or entity that receives title to the vehicle is the person or entity that removed it, the person or entity shall receive title on the condition that it pay any lien on the vehicle. The court shall not order that title be transferred to any person or entity other than the owner of the place of storage if the person or entity refuses to receive the title. Any person or

entity that receives title either may keep title to the vehicle 4869  
or may dispose of the vehicle in any legal manner that it 4870  
considers appropriate, including assignment of the certificate 4871  
of title to the motor vehicle to a salvage dealer or a scrap 4872  
metal processing facility. The person or entity shall not 4873  
transfer the vehicle to the person who is the vehicle's 4874  
immediate previous owner. 4875

If the person or entity that receives title assigns the 4876  
motor vehicle to a salvage dealer or scrap metal processing 4877  
facility, the person or entity shall send the assigned 4878  
certificate of title to the motor vehicle to the clerk of the 4879  
court of common pleas of the county in which the salvage dealer 4880  
or scrap metal processing facility is located. The person or 4881  
entity shall mark the face of the certificate of title with the 4882  
words "FOR DESTRUCTION" and shall deliver a photocopy of the 4883  
certificate of title to the salvage dealer or scrap metal 4884  
processing facility for its records. 4885

(2) Whenever a court issues an order under division (F) (1) 4886  
of this section, the court also shall order removal of the 4887  
license plates from the vehicle and cause them to be sent to the 4888  
registrar of motor vehicles if they have not already been sent 4889  
to the registrar. Thereafter, no further proceedings shall take 4890  
place under this section or under section 4503.233 of the 4891  
Revised Code. 4892

(3) Prior to initiating a proceeding under division (F) (1) 4893  
of this section, and upon payment of the fee under division (B) 4894  
of section 4505.14 of the Revised Code, any interested party may 4895  
cause a search to be made of the public records of the bureau of 4896  
motor vehicles or the clerk of the court of common pleas, to 4897  
ascertain the identity of any lienholder of the vehicle. The 4898

initiating party shall furnish this information to the clerk of 4899  
the court with jurisdiction over the case, and the clerk shall 4900  
provide notice to the arrested person, any lienholder, and any 4901  
other interested parties listed by the initiating party, at the 4902  
last known address supplied by the initiating party, by 4903  
certified mail or, at the option of the initiating party, by 4904  
personal service or ordinary mail. 4905

**Section 2.** That existing sections 1547.99, 1905.01, 4906  
2903.06, 2903.08, 2929.142, 2951.01, 2951.02, 3327.10, 4510.13, 4907  
4510.17, 4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 4511.191, 4908  
4511.193, and 4511.195 of the Revised Code are hereby repealed. 4909

**Section 3.** The Director of Public Safety shall study the 4910  
effect of this bill on the number of certified ignition 4911  
interlock devices installed in this state, the number of drunk 4912  
driving accidents and deaths, and the recidivism rate for OVI 4913  
offenses. Not later than 48 months after the effective date of 4914  
this bill, the Director shall issue a report on its findings to 4915  
the Governor, the President of the Senate, the Minority Leader 4916  
of the Senate, the Speaker of the House of Representatives, and 4917  
the Minority Leader of the House of Representatives. 4918