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Representative Scherer

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

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

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

division (C) of section 1905.031 of the Revised Code. 377

(E) (1) The mayor of a municipal corporation does not have 378
jurisdiction to hear and determine any prosecution or criminal 379
cause involving any of the following: 380

(a) A violation of section 2919.25 or 2919.27 of the 381
Revised Code; 382

(b) A violation of section 2903.11, 2903.12, 2903.13, 383
2903.211, or 2911.211 of the Revised Code that involves a person 384
who was a family or household member of the defendant at the 385
time of the violation; 386

(c) A violation of a municipal ordinance that is 387
substantially equivalent to an offense described in division (E) 388
(1) (a) or (b) of this section and that involves a person who was 389
a family or household member of the defendant at the time of the 390
violation. 391

(2) The mayor of a municipal corporation does not have 392
jurisdiction to hear and determine a motion filed pursuant to 393
section 2919.26 of the Revised Code or filed pursuant to a 394
municipal ordinance that is substantially equivalent to that 395
section or to issue a protection order pursuant to that section 396
or a substantially equivalent municipal ordinance. 397

(3) As used in this section, "family or household member" 398
has the same meaning as in section 2919.25 of the Revised Code. 399

(F) In keeping a docket and files, the mayor, and a 400
mayor's court magistrate appointed under section 1905.05 of the 401
Revised Code, shall be governed by the laws pertaining to county 402
courts. 403

Sec. 2903.06. (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.

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

(4) "Reckless operation offense" and "speeding offense" have the same meanings as in section 2903.06 of the Revised Code.

(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.

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:

(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.

(B) The offender previously has been convicted of or

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.	936 937
(C) "Ignition interlock device" has the same meaning as in section 4511.83 <u>4510.01</u> of the Revised Code.	938 939
(D) "Multicounty department of probation" means a probation department established under section 2301.27 of the Revised Code to serve more than one county.	940 941 942
(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.	943 944 945 946
(F) "County-operated municipal court" and "legislative authority" have the same meanings as in section 1901.03 of the Revised Code.	947 948 949
(G) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.	950 951
(H) "Repeat offender" and "dangerous offender" have the same meanings as in section 2935.36 of the Revised Code.	952 953
(I) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	954 955
(J) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.	956 957
(K) "Firearm," "deadly weapon," and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.	958 959 960
Sec. 2951.02. (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 2577
method employed by the ignition interlock device to measure the 2578
concentration by weight of alcohol in the offender's breath 2579
indicated the presence of alcohol in the offender's breath in a 2580
concentration sufficient to prevent the ignition interlock 2581
device from permitting the motor vehicle to be started. 2582

~~A governmental agency, bureau, department, or office, or a~~ 2583
~~private corporation, or any other entity that monitors~~ (B) The 2584
manufacturer of a certified ignition interlock devices for or on 2585
~~behalf of a court device shall monitor each device that is~~ 2586
produced by that manufacturer and that has been installed in a 2587
motor vehicle for an offender. The manufacturer also shall 2588
inform the court and the registrar of motor vehicles, as soon as 2589
practicable, whenever such a device that has been installed in a 2590
~~motor vehicle indicates that it has prevented an offender whose~~ 2591
~~driver's or commercial driver's license or permit or nonresident~~ 2592
~~operating privilege has been suspended by a court under division~~ 2593
~~(G) (1) (a), (b), (c), (d), or (e) of section 4511.19 of the~~ 2594
~~Revised Code and who has been granted limited driving privileges~~ 2595
~~under section 4510.13 of the Revised Code from starting the~~ 2596
~~motor vehicle because the device was tampered with or~~ 2597
~~circumvented or because the analysis of the deep-lung breath~~ 2598
~~sample or other method employed by the ignition interlock device~~ 2599
~~to measure the concentration by weight of alcohol in the~~ 2600
~~offender's breath indicated the presence of alcohol in the~~ 2601
~~offender's breath in a concentration sufficient to prevent the~~ 2602
~~ignition interlock device from permitting the motor vehicle to~~ 2603
~~be started~~ an ignition interlock device violation has occurred. 2604

~~(B)~~ (C) Upon receipt of such information pertaining to an 2605
~~offender whose driver's or commercial driver's license or permit~~ 2606
~~or nonresident operating privilege has been suspended by a court~~ 2607

~~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. 4536
4537

(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

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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 4597
offender has been convicted of or pleaded guilty to two or more 4598
violations described in division (C) (2) of this section, or if 4599
the offender previously has been convicted of or pleaded guilty 4600
to a violation of division (A) of section 4511.19 of the Revised 4601
Code under circumstances in which the violation was a felony and 4602
regardless of when the violation and the conviction or guilty 4603
plea occurred, the court shall order the criminal forfeiture to 4604
the state of that vehicle. The order of criminal forfeiture 4605
shall be issued and enforced in accordance with section 4503.234 4606
of the Revised Code. 4607

(D) As used in this section, "county-operated municipal 4608
court" has the same meaning as in section 1901.03 of the Revised 4609
Code. 4610

Sec. 4511.195. (A) As used in this section: 4611

(1) "Arrested person" means a person who is arrested for a 4612
violation of division (A) of section 4511.19 of the Revised Code 4613
or a municipal OVI ordinance and whose arrest results in a 4614
vehicle being seized under division (B) of this section. 4615

(2) "Vehicle owner" means either of the following: 4616

(a) The person in whose name is registered, at the time of 4617
the seizure, a vehicle that is seized under division (B) of this 4618
section; 4619

(b) A person to whom the certificate of title to a vehicle 4620
that is seized under division (B) of this section has been 4621
assigned and who has not obtained a certificate of title to the 4622
vehicle in that person's name, but who is deemed by the court as 4623
being the owner of the vehicle at the time the vehicle was 4624
seized under division (B) of this section. 4625

(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