

**As Introduced**

**131st General Assembly**

**Regular Session**

**2015-2016**

**H. B. No. 388**

**Representative Scherer**

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**A BILL**

To amend sections 1547.99, 1905.01, 2903.06, 1  
2903.08, 2929.142, 3327.10, 4510.13, 4510.17, 2  
4510.43, 4510.44, 4510.45, 4510.46, 4511.19, 3  
4511.191, 4511.193, and 4511.195 and to enact 4  
sections 4510.022 and 4511.199 of the Revised 5  
Code to authorize a court to grant unlimited 6  
driving privileges with an ignition interlock 7  
device to first-time OVI offenders, to expand 8  
the penalties related to ignition interlock 9  
device violations, to modify the law governing 10  
the installation and monitoring of ignition 11  
interlock devices, to extend the look back 12  
period for OVI and OVI-related offenses from six 13  
to ten years, and to modify the penalties for 14  
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, 3327.10, 4510.13, 4510.17, 4510.43, 4510.44, 17  
4510.45, 4510.46, 4511.19, 4511.191, 4511.193, and 4511.195 be 18  
amended and sections 4510.022 and 4511.199 of the Revised Code 19  
be enacted to read as follows: 20

**Sec. 1547.99.** (A) Whoever violates section 1547.91 of the Revised Code is guilty of a felony of the fourth degree. 21  
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 section 4511.181 of the Revised Code.	144 145
(b) "Jail term" and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.	146 147
(H) Whoever violates section 1547.304 of the Revised Code is guilty of a misdemeanor of the fourth degree and also shall be assessed any costs incurred by the state or a county, township, municipal corporation, or other political subdivision in disposing of an abandoned junk vessel or outboard motor, less any money accruing to the state, county, township, municipal corporation, or other political subdivision from that disposal.	148 149 150 151 152 153 154
(I) Whoever violates division (B) or (C) of section 1547.49 of the Revised Code is guilty of a minor misdemeanor.	155 156
(J) Whoever violates section 1547.31 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense. On each subsequent offense, the person is guilty of a misdemeanor of the third degree.	157 158 159 160
(K) Whoever violates section 1547.05 or 1547.051 of the Revised Code is guilty of a misdemeanor of the fourth degree if the violation is not related to a collision, injury to a person, or damage to property and a misdemeanor of the third degree if the violation is related to a collision, injury to a person, or damage to property.	161 162 163 164 165 166
(L) The sentencing court, in addition to the penalty provided under this section for a violation of this chapter or a rule adopted under it that involves a powercraft powered by more	167 168 169

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 ordinance that is substantially equivalent to that division, the person charged with the violation, within six years of the date of the violation charged, has not been convicted of or pleaded guilty to any of the following:

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

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

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

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

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 Revised Code;	381 382
(b) A violation of section 2903.11, 2903.12, 2903.13, 2903.211, or 2911.211 of the Revised Code that involves a person who was a family or household member of the defendant at the time of the violation;	383 384 385 386
(c) A violation of a municipal ordinance that is substantially equivalent to an offense described in division (E) (1) (a) or (b) of this section and that involves a person who was a family or household member of the defendant at the time of the violation.	387 388 389 390 391
(2) The mayor of a municipal corporation does not have jurisdiction to hear and determine a motion filed pursuant to section 2919.26 of the Revised Code or filed pursuant to a municipal ordinance that is substantially equivalent to that section or to issue a protection order pursuant to that section or a substantially equivalent municipal ordinance.	392 393 394 395 396 397
(3) As used in this section, "family or household member" has the same meaning as in section 2919.25 of the Revised Code.	398 399
(F) In keeping a docket and files, the mayor, and a mayor's court magistrate appointed under section 1905.05 of the Revised Code, shall be governed by the laws pertaining to county courts.	400 401 402 403
<b>Sec. 2903.06.</b> (A) No person, while operating or participating in the operation of a motor vehicle, motorcycle, snowmobile, locomotive, watercraft, or aircraft, shall cause the death of another or the unlawful termination of another's pregnancy in any of the following ways:	404 405 406 407 408
(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 878  
offense" and "traffic-related murder, felonious assault, or 879  
attempted murder offense" have the same meanings as in section 880  
2903.06 of the Revised Code. 881

(3) "Construction zone" has the same meaning as in section 882

5501.27 of the Revised Code. 883

(4) "Reckless operation offense" and "speeding offense" 884  
have the same meanings as in section 2903.06 of the Revised 885  
Code. 886

(G) For the purposes of this section, when a penalty or 887  
suspension is enhanced because of a prior or current violation 888  
of a specified law or a prior or current specified offense, the 889  
reference to the violation of the specified law or the specified 890  
offense includes any violation of any substantially equivalent 891  
municipal ordinance, former law of this state, or current or 892  
former law of another state or the United States. 893

**Sec. 2929.142.** Notwithstanding the definite prison term 894  
specified in division (A) of section 2929.14 of the Revised Code 895  
for a felony of the first degree, if an offender is convicted of 896  
or pleads guilty to aggravated vehicular homicide in violation 897  
of division (A)(1) of section 2903.06 of the Revised Code, the 898  
court shall impose upon the offender a mandatory prison term of 899  
ten, eleven, twelve, thirteen, fourteen, or fifteen years if any 900  
of the following apply: 901

(A) The offender previously has been convicted of or 902  
pleaded guilty to three or more prior violations of section 903  
4511.19 of the Revised Code or of a substantially equivalent 904  
municipal ordinance within the previous ~~six-ten~~ years. 905

(B) The offender previously has been convicted of or 906  
pleaded guilty to three or more prior violations of division (A) 907  
of section 1547.11 of the Revised Code or of a substantially 908  
equivalent municipal ordinance within the previous ~~six-ten~~ 909  
years. 910

(C) The offender previously has been convicted of or 911

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

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

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

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

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

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

**Sec. 3327.10.** (A) No person shall be employed as driver of 933  
a school bus or motor van, owned and operated by any school 934  
district or educational service center or privately owned and 935  
operated under contract with any school district or service 936  
center in this state, who has not received a certificate from 937  
either the educational service center governing board that has 938  
entered into an agreement with the school district under section 939  
3313.843 or 3313.845 of the Revised Code or the superintendent 940



of the school district, certifying that such person is at least 941  
eighteen years of age and is of good moral character and is 942  
qualified physically and otherwise for such position. The 943  
service center governing board or the superintendent, as the 944  
case may be, shall provide for an annual physical examination 945  
that conforms with rules adopted by the state board of education 946  
of each driver to ascertain the driver's physical fitness for 947  
such employment. Any certificate may be revoked by the authority 948  
granting the same on proof that the holder has been guilty of 949  
failing to comply with division (D) (1) of this section, or upon 950  
a conviction or a guilty plea for a violation, or any other 951  
action, that results in a loss or suspension of driving rights. 952  
Failure to comply with such division may be cause for 953  
disciplinary action or termination of employment under division 954  
(C) of section 3319.081, or section 124.34 of the Revised Code. 955

(B) No person shall be employed as driver of a school bus 956  
or motor van not subject to the rules of the department of 957  
education pursuant to division (A) of this section who has not 958  
received a certificate from the school administrator or 959  
contractor certifying that such person is at least eighteen 960  
years of age, is of good moral character, and is qualified 961  
physically and otherwise for such position. Each driver shall 962  
have an annual physical examination which conforms to the state 963  
highway patrol rules, ascertaining the driver's physical fitness 964  
for such employment. The examination shall be performed by one 965  
of the following: 966

(1) A person licensed under Chapter 4731. of the Revised 967  
Code or by another state to practice medicine and surgery or 968  
osteopathic medicine and surgery; 969

(2) A physician assistant; 970

(3) A certified nurse practitioner;	971
(4) A clinical nurse specialist;	972
(5) A certified nurse-midwife.	973
Any written documentation of the physical examination	974
shall be completed by the individual who performed the	975
examination.	976
Any certificate may be revoked by the authority granting	977
the same on proof that the holder has been guilty of failing to	978
comply with division (D) (2) of this section.	979
(C) Any person who drives a school bus or motor van must	980
give satisfactory and sufficient bond except a driver who is an	981
employee of a school district and who drives a bus or motor van	982
owned by the school district.	983
(D) No person employed as driver of a school bus or motor	984
van under this section who is convicted of a traffic violation	985
or who has had the person's commercial driver's license	986
suspended shall drive a school bus or motor van until the person	987
has filed a written notice of the conviction or suspension, as	988
follows:	989
(1) If the person is employed under division (A) of this	990
section, the person shall file the notice with the	991
superintendent, or a person designated by the superintendent, of	992
the school district for which the person drives a school bus or	993
motor van as an employee or drives a privately owned and	994
operated school bus or motor van under contract.	995
(2) If employed under division (B) of this section, the	996
person shall file the notice with the employing school	997
administrator or contractor, or a person designated by the	998

administrator or contractor. 999

(E) In addition to resulting in possible revocation of a 1000  
certificate as authorized by divisions (A) and (B) of this 1001  
section, violation of division (D) of this section is a minor 1002  
misdemeanor. 1003

(F) (1) Not later than thirty days after June 30, 2007, 1004  
each owner of a school bus or motor van shall obtain the 1005  
complete driving record for each person who is currently 1006  
employed or otherwise authorized to drive the school bus or 1007  
motor van. An owner of a school bus or motor van shall not 1008  
permit a person to operate the school bus or motor van for the 1009  
first time before the owner has obtained the person's complete 1010  
driving record. Thereafter, the owner of a school bus or motor 1011  
van shall obtain the person's driving record not less frequently 1012  
than semiannually if the person remains employed or otherwise 1013  
authorized to drive the school bus or motor van. An owner of a 1014  
school bus or motor van shall not permit a person to resume 1015  
operating a school bus or motor van, after an interruption of 1016  
one year or longer, before the owner has obtained the person's 1017  
complete driving record. 1018

(2) The owner of a school bus or motor van shall not 1019  
permit a person to operate the school bus or motor van for ~~six-~~ 1020  
ten years after the date on which the person pleads guilty to or 1021  
is convicted of a violation of section 4511.19 of the Revised 1022  
Code or a substantially equivalent municipal ordinance. 1023

(3) An owner of a school bus or motor van shall not permit 1024  
any person to operate such a vehicle unless the person meets all 1025  
other requirements contained in rules adopted by the state board 1026  
of education prescribing qualifications of drivers of school 1027  
buses and other student transportation. 1028

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

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

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

(H) A person, school district, educational service center, community school, nonpublic school, or other public or nonpublic entity that owns a school bus or motor van, or that contracts with another entity to operate a school bus or motor van, may impose more stringent restrictions on drivers than those prescribed in this section, in any other section of the Revised Code, and in rules adopted by the state board.

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

(J) (1) This division applies to persons hired by a school 1058  
district, educational service center, community school, 1059  
chartered nonpublic school, or science, technology, engineering, 1060  
and mathematics school established under Chapter 3326. of the 1061  
Revised Code to operate a vehicle used for pupil transportation. 1062

For each person to whom this division applies who is hired 1063  
on or after November 14, 2007, the employer shall request a 1064  
criminal records check in accordance with section 3319.39 of the 1065  
Revised Code and every six years thereafter. For each person to 1066  
whom this division applies who is hired prior to that date, the 1067  
employer shall request a criminal records check by a date 1068  
prescribed by the department of education and every six years 1069  
thereafter. 1070

(2) This division applies to persons hired by a public or 1071  
private employer not described in division (J) (1) of this 1072  
section to operate a vehicle used for pupil transportation. 1073

For each person to whom this division applies who is hired 1074  
on or after November 14, 2007, the employer shall request a 1075  
criminal records check prior to the person's hiring and every 1076  
six years thereafter. For each person to whom this division 1077  
applies who is hired prior to that date, the employer shall 1078  
request a criminal records check by a date prescribed by the 1079  
department and every six years thereafter. 1080

(3) Each request for a criminal records check under 1081  
division (J) of this section shall be made to the superintendent 1082  
of the bureau of criminal identification and investigation in 1083  
the manner prescribed in section 3319.39 of the Revised Code, 1084  
except that if both of the following conditions apply to the 1085  
person subject to the records check, the employer shall request 1086  
the superintendent only to obtain any criminal records that the 1087

federal bureau of investigation has on the person: 1088

(a) The employer previously requested the superintendent 1089  
to determine whether the bureau of criminal identification and 1090  
investigation has any information, gathered pursuant to division 1091  
(A) of section 109.57 of the Revised Code, on the person in 1092  
conjunction with a criminal records check requested under 1093  
section 3319.39 of the Revised Code or under division (J) of 1094  
this section. 1095

(b) The person presents proof that the person has been a 1096  
resident of this state for the five-year period immediately 1097  
prior to the date upon which the person becomes subject to a 1098  
criminal records check under this section. 1099

Upon receipt of a request, the superintendent shall 1100  
conduct the criminal records check in accordance with section 1101  
109.572 of the Revised Code as if the request had been made 1102  
under section 3319.39 of the Revised Code. However, as specified 1103  
in division (B)(2) of section 109.572 of the Revised Code, if 1104  
the employer requests the superintendent only to obtain any 1105  
criminal records that the federal bureau of investigation has on 1106  
the person for whom the request is made, the superintendent 1107  
shall not conduct the review prescribed by division (B)(1) of 1108  
that section. 1109

(K)(1) Until the effective date of the amendments to rule 1110  
3301-83-23 of the Ohio Administrative Code required by the 1111  
second paragraph of division (E) of section 3319.39 of the 1112  
Revised Code, any person who is the subject of a criminal 1113  
records check under division (J) of this section and has been 1114  
convicted of or pleaded guilty to any offense described in 1115  
division (B)(1) of section 3319.39 of the Revised Code shall not 1116  
be hired or shall be released from employment, as applicable, 1117

unless the person meets the rehabilitation standards prescribed 1118  
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 1119  
Administrative Code. 1120

(2) Beginning on the effective date of the amendments to 1121  
rule 3301-83-23 of the Ohio Administrative Code required by the 1122  
second paragraph of division (E) of section 3319.39 of the 1123  
Revised Code, any person who is the subject of a criminal 1124  
records check under division (J) of this section and has been 1125  
convicted of or pleaded guilty to any offense that, under the 1126  
rule, disqualifies a person for employment to operate a vehicle 1127  
used for pupil transportation shall not be hired or shall be 1128  
released from employment, as applicable, unless the person meets 1129  
the rehabilitation standards prescribed by the rule. 1130

Sec. 4510.022. (A) As used in this section: 1131

(1) "First-time offender" means a person whose driver's 1132  
license or commercial driver's license or permit or nonresident 1133  
operating privilege has been suspended for being convicted of, 1134  
or pleading guilty to, an OVI offense under any of the 1135  
following: 1136

(a) Division (G) (1) (a) or (H) (1) of section 4511.19 of the 1137  
Revised Code; 1138

(b) Section 4510.07 of the Revised Code for a municipal 1139  
OVI offense when the offense is equivalent to an offense under 1140  
division (G) (1) (a) or (H) (1) of section 4511.19 of the Revised 1141  
Code; 1142

(c) Division (B) or (D) of section 4510.17 of the Revised 1143  
Code when the offense is equivalent to an offense under division 1144  
(G) (1) (a) or (H) (1) of section 4511.19 of the Revised Code. 1145

(2) "OVI offense" means a violation of section 4511.19 of 1146

the Revised Code or a violation of a substantially similar 1147  
municipal ordinance or law of another state or the United 1148  
States. 1149

(B) A first-time offender may file a petition for 1150  
unlimited driving privileges with a certified ignition interlock 1151  
device during the period of suspension imposed for an OVI 1152  
offense in the same manner and in the same venue as the person 1153  
is permitted to apply for limited driving privileges. 1154

(C) (1) With regard to a first-time offender, in any 1155  
circumstance in which a court is authorized to grant limited 1156  
driving privileges under section 4510.021, 4510.13, or 4510.17 1157  
of the Revised Code during a period of suspension, the court may 1158  
instead grant unlimited driving privileges with a certified 1159  
ignition interlock device. No court shall grant unlimited 1160  
driving privileges with a certified ignition interlock device 1161  
during any period, or under any circumstance, that the court is 1162  
prohibited from granting limited driving privileges. 1163

(2) If a court grants unlimited driving privileges with a 1164  
certified ignition interlock device to a first-time offender, 1165  
the court shall do all of the following: 1166

(a) Issue an order authorizing the first-time offender to 1167  
operate a motor vehicle only if the vehicle is equipped with a 1168  
certified ignition interlock device, except as provided in 1169  
division (C) of section 4510.43 of the Revised Code. 1170

(b) Provide to the first-time offender a copy of the order 1171  
and a notice that the first-time offender is subject to the 1172  
sanctions specified in division (E) of this section. 1173

(c) Submit a copy of the order to the registrar of motor 1174  
vehicles. 1175



(3) If a court grants unlimited driving privileges with a certified ignition interlock device to a first-time offender, the court may reduce the period of suspension imposed by the court by an amount of time not greater than half the period of suspension. 1176  
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(D) (1) A first-time offender shall present an order issued under this section and a certificate affirming the installation of a certified ignition interlock device signed by the person who installed the device to the registrar or to a deputy registrar. Upon presentation of the order and certificate to the registrar or a deputy registrar, the registrar or deputy registrar shall issue the offender a restricted license, unless the offender's driver's or commercial driver's license or permit is suspended under any other provision of law and limited driving privileges have not been granted with regard to that suspension. A restricted license issued under this division shall be identical to an Ohio driver's license, except that it shall have printed on its face a statement that the offender is prohibited from operating any motor vehicle that is not equipped with a certified ignition interlock device. 1181  
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(2) (a) No person who has been granted unlimited driving privileges with a certified ignition interlock device under this section shall operate a motor vehicle prior to obtaining a restricted license. Any person who violates this prohibition is subject to the penalties prescribed in section 4510.14 of the Revised Code. 1196  
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(b) The offense established under division (D) (2) (a) of this section is a strict liability offense and section 2901.20 of the Revised Code does not apply. 1202  
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(E) If a first-time offender has been granted unlimited 1205

driving privileges with a certified ignition interlock device 1206  
under this section and the first-time offender either commits an 1207  
ignition interlock device violation as defined under section 1208  
4510.46 of the Revised Code or the first-time offender operates 1209  
a motor vehicle that is not equipped with a certified ignition 1210  
interlock device, the following applies: 1211

(1) On a first violation, the court may require the first- 1212  
time offender to wear a monitor that provides continuous alcohol 1213  
monitoring that is remote. 1214

(2) On a second violation, the court shall require the 1215  
first-time offender to wear a monitor that provides continuous 1216  
alcohol monitoring that is remote for a minimum of forty days. 1217

(3) On a third or subsequent violation, the court shall 1218  
require the first-time offender to wear a monitor that provides 1219  
continuous alcohol monitoring that is remote for a minimum of 1220  
sixty days. 1221

(4) With regard to any instance, the judge may increase 1222  
the period of suspension and the period during which the first- 1223  
time offender must drive a motor vehicle equipped with a 1224  
certified ignition interlock device in the same manner as 1225  
provided in division (A)(8)(c) of section 4510.13 of the Revised 1226  
Code. The limitation under division (E) of section 4510.46 of 1227  
the Revised Code applies to an increase under division (E)(4) of 1228  
this section. 1229

(5) If the instance occurred within sixty days of the end 1230  
of the suspension of the offender's driver's or commercial 1231  
driver's license or permit or nonresident operating privilege 1232  
and the court does not increase the period of the suspension 1233  
under division (E)(4) of this section, the court shall proceed 1234

as follows: 1235

(a) Issue an order extending the period of suspension and 1236  
the period of time during which the first-time offender must 1237  
drive a vehicle equipped with a certified ignition interlock 1238  
device so that the suspension terminates sixty days from the 1239  
date the offender committed that violation. 1240

(b) For each violation subsequent to a violation for which 1241  
an extension was ordered under division (E) (5) (a) of this 1242  
section, issue an order extending the period of suspension and 1243  
the period of time during which the first-time offender must 1244  
drive a vehicle equipped with a certified ignition interlock 1245  
device so that the suspension terminates sixty days from the 1246  
date the offender committed that violation. 1247

The registrar of motor vehicles is prohibited from 1248  
reinstating a first-time offender's license unless the 1249  
applicable period of suspension has been served and no ignition 1250  
interlock device violations have been committed within the sixty 1251  
days prior to the application for reinstatement. 1252

(F) With respect to an order issued under this section, 1253  
the judge shall impose an additional court cost of two dollars 1254  
and fifty cents upon the first-time offender. The judge shall 1255  
not waive this payment unless the judge determines that the 1256  
first-time offender is indigent and waives the payment of all 1257  
court costs imposed upon the indigent first-time offender. The 1258  
clerk of court shall transmit one hundred per cent of this 1259  
mandatory court cost collected during a month on or before the 1260  
twenty-third day of the following month to the state treasury to 1261  
be credited to the state highway safety fund created under 1262  
section 4501.06 of the Revised Code. The department of public 1263  
safety shall use the amounts collected to cover costs associated 1264

with maintaining the habitual OVI/OMWI offender registry created 1265  
under section 5502.10 of the Revised Code. 1266

A judge may impose an additional court cost of two dollars 1267  
and fifty cents upon the first-time offender. The clerk of court 1268  
shall retain this discretionary two dollar and fifty cent court 1269  
cost, if imposed. The clerk shall deposit it in the court's 1270  
special projects fund that is established under division (E) (1) 1271  
of section 2303.201, division (B) (1) of section 1901.26, or 1272  
division (B) (1) of section 1907.24 of the Revised Code. 1273

**Sec. 4510.13.** (A) (1) Divisions (A) (2) to (9) of this 1274  
section apply to a judge or mayor regarding the suspension of, 1275  
or the grant of limited driving privileges during a suspension 1276  
of, an offender's driver's or commercial driver's license or 1277  
permit or nonresident operating privilege imposed under division 1278  
(G) or (H) of section 4511.19 of the Revised Code, under 1279  
division (B) or (C) of section 4511.191 of the Revised Code, or 1280  
under section 4510.07 of the Revised Code for a conviction of a 1281  
violation of a municipal OVI ordinance. 1282

(2) No judge or mayor shall suspend the following portions 1283  
of the suspension of an offender's driver's or commercial 1284  
driver's license or permit or nonresident operating privilege 1285  
imposed under division (G) or (H) of section 4511.19 of the 1286  
Revised Code or under section 4510.07 of the Revised Code for a 1287  
conviction of a violation of a municipal OVI ordinance, provided 1288  
that division (A) (2) of this section does not limit a court or 1289  
mayor in crediting any period of suspension imposed pursuant to 1290  
division (B) or (C) of section 4511.191 of the Revised Code 1291  
against any time of judicial suspension imposed pursuant to 1292  
section 4511.19 or 4510.07 of the Revised Code, as described in 1293  
divisions (B) (2) and (C) (2) of section 4511.191 of the Revised 1294

Code:	1295
(a) The first six months of a suspension imposed under division (G) (1) (a) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;	1296 1297 1298 1299
(b) The first year of a suspension imposed under division (G) (1) (b) or (c) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;	1300 1301 1302 1303
(c) The first three years of a suspension imposed under division (G) (1) (d) or (e) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code;	1304 1305 1306 1307
(d) The first sixty days of a suspension imposed under division (H) of section 4511.19 of the Revised Code or of a comparable length suspension imposed under section 4510.07 of the Revised Code.	1308 1309 1310 1311
(3) No judge or mayor shall grant limited driving privileges to an offender whose driver's or commercial driver's license or permit or nonresident operating privilege has been suspended under division (G) or (H) of section 4511.19 of the Revised Code, under division (C) of section 4511.191 of the Revised Code, or under section 4510.07 of the Revised Code for a municipal OVI conviction if the offender, within the preceding <del>six</del> <u>ten</u> years, has been convicted of or pleaded guilty to three or more violations of one or more of the Revised Code sections, municipal ordinances, statutes of the United States or another state, or municipal ordinances of a municipal corporation of another state that are identified in divisions (G) (2) (b) to (h)	1312 1313 1314 1315 1316 1317 1318 1319 1320 1321 1322 1323

of section 2919.22 of the Revised Code. 1324

Additionally, no judge or mayor shall grant limited 1325  
driving privileges to an offender whose driver's or commercial 1326  
driver's license or permit or nonresident operating privilege 1327  
has been suspended under division (B) of section 4511.191 of the 1328  
Revised Code if the offender, within the preceding ~~six~~-ten 1329  
years, has refused three previous requests to consent to a 1330  
chemical test of the person's whole blood, blood serum or 1331  
plasma, breath, or urine to determine its alcohol content. 1332

(4) No judge or mayor shall grant limited driving 1333  
privileges for employment as a driver of commercial motor 1334  
vehicles to an offender whose driver's or commercial driver's 1335  
license or permit or nonresident operating privilege has been 1336  
suspended under division (G) or (H) of section 4511.19 of the 1337  
Revised Code, under division (B) or (C) of section 4511.191 of 1338  
the Revised Code, or under section 4510.07 of the Revised Code 1339  
for a municipal OVI conviction if the offender is disqualified 1340  
from operating a commercial motor vehicle, or whose license or 1341  
permit has been suspended, under section 3123.58 or 4506.16 of 1342  
the Revised Code. 1343

(5) No judge or mayor shall grant limited driving 1344  
privileges to an offender whose driver's or commercial driver's 1345  
license or permit or nonresident operating privilege has been 1346  
suspended under division (G) or (H) of section 4511.19 of the 1347  
Revised Code, under division (C) of section 4511.191 of the 1348  
Revised Code, or under section 4510.07 of the Revised Code for a 1349  
conviction of a violation of a municipal OVI ordinance during 1350  
any of the following periods of time: 1351

(a) The first fifteen days of a suspension imposed under 1352  
division (G) (1) (a) of section 4511.19 of the Revised Code or a 1353

comparable length suspension imposed under section 4510.07 of 1354  
the Revised Code, or of a suspension imposed under division (C) 1355  
(1) (a) of section 4511.191 of the Revised Code. On or after the 1356  
sixteenth day of the suspension, the court may grant limited 1357  
driving privileges, but the court may require that the offender 1358  
shall not exercise the privileges unless the vehicles the 1359  
offender operates are equipped with immobilizing or disabling 1360  
devices that monitor the offender's alcohol consumption or any 1361  
other type of immobilizing or disabling devices, except as 1362  
provided in division (C) of section 4510.43 of the Revised Code. 1363

(b) The first forty-five days of a suspension imposed 1364  
under division (C) (1) (b) of section 4511.191 of the Revised 1365  
Code. On or after the forty-sixth day of suspension, the court 1366  
may grant limited driving privileges, but the court may require 1367  
that the offender shall not exercise the privileges unless the 1368  
vehicles the offender operates are equipped with immobilizing or 1369  
disabling devices that monitor the offender's alcohol 1370  
consumption or any other type of immobilizing or disabling 1371  
devices, except as provided in division (C) of section 4510.43 1372  
of the Revised Code. 1373

(c) The first sixty days of a suspension imposed under 1374  
division (H) of section 4511.19 of the Revised Code or a 1375  
comparable length suspension imposed under section 4510.07 of 1376  
the Revised Code. 1377

(d) The first one hundred eighty days of a suspension 1378  
imposed under division (C) (1) (c) of section 4511.191 of the 1379  
Revised Code. On or after the one hundred eighty-first day of 1380  
suspension, the court may grant limited driving privileges, and 1381  
either of the following applies: 1382

(i) If the underlying arrest is alcohol-related, the court 1383

shall issue an order that, except as provided in division (C) of 1384  
section 4510.43 of the Revised Code, for the remainder of the 1385  
period of suspension the offender shall not exercise the 1386  
privileges unless the vehicles the offender operates are 1387  
equipped with a certified ignition interlock device. 1388

(ii) If the underlying arrest is drug-related, the court 1389  
in its discretion may issue an order that, except as provided in 1390  
division (C) of section 4510.43 of the Revised Code, for the 1391  
remainder of the period of suspension the offender shall not 1392  
exercise the privileges unless the vehicles the offender 1393  
operates are equipped with a certified ignition interlock 1394  
device. 1395

(e) The first forty-five days of a suspension imposed 1396  
under division (G) (1) (b) of section 4511.19 of the Revised Code 1397  
or a comparable length suspension imposed under section 4510.07 1398  
of the Revised Code. On or after the forty-sixth day of the 1399  
suspension, the court may grant limited driving privileges, and 1400  
either of the following applies: 1401

(i) If the underlying conviction is alcohol-related, the 1402  
court shall issue an order that, except as provided in division 1403  
(C) of section 4510.43 of the Revised Code, for the remainder of 1404  
the period of suspension the offender shall not exercise the 1405  
privileges unless the vehicles the offender operates are 1406  
equipped with a certified ignition interlock device. 1407

(ii) If the underlying conviction is drug-related, the 1408  
court in its discretion may issue an order that, except as 1409  
provided in division (C) of section 4510.43 of the Revised Code, 1410  
for the remainder of the period of suspension the offender shall 1411  
not exercise the privileges unless the vehicles the offender 1412  
operates are equipped with a certified ignition interlock 1413



device. 1414

(f) The first one hundred eighty days of a suspension 1415  
imposed under division (G)(1)(c) of section 4511.19 of the 1416  
Revised Code or a comparable length suspension imposed under 1417  
section 4510.07 of the Revised Code. On or after the one hundred 1418  
eighty-first day of the suspension, the court may grant limited 1419  
driving privileges, and either of the following applies: 1420

(i) If the underlying conviction is alcohol-related, the 1421  
court shall issue an order that, except as provided in division 1422  
(C) of section 4510.43 of the Revised Code, for the remainder of 1423  
the period of suspension the offender shall not exercise the 1424  
privileges unless the vehicles the offender operates are 1425  
equipped with a certified ignition interlock device. 1426

(ii) If the underlying conviction is drug-related, the 1427  
court in its discretion may issue an order that, except as 1428  
provided in division (C) of section 4510.43 of the Revised Code, 1429  
for the remainder of the period of suspension the offender shall 1430  
not exercise the privileges unless the vehicles the offender 1431  
operates are equipped with a certified ignition interlock 1432  
device. 1433

(g) The first three years of a suspension imposed under 1434  
division (G)(1)(d) or (e) of section 4511.19 of the Revised Code 1435  
or a comparable length suspension imposed under section 4510.07 1436  
of the Revised Code, or of a suspension imposed under division 1437  
(C)(1)(d) of section 4511.191 of the Revised Code. On or after 1438  
the first three years of suspension, the court may grant limited 1439  
driving privileges, and either of the following applies: 1440

(i) If the underlying conviction is alcohol-related, the 1441  
court shall issue an order that, except as provided in division 1442

(C) of section 4510.43 of the Revised Code, for the remainder of 1443  
the period of suspension the offender shall not exercise the 1444  
privileges unless the vehicles the offender operates are 1445  
equipped with a certified ignition interlock device. 1446

(ii) If the underlying conviction is drug-related, the 1447  
court in its discretion may issue an order that, except as 1448  
provided in division (C) of section 4510.43 of the Revised Code, 1449  
for the remainder of the period of suspension the offender shall 1450  
not exercise the privileges unless the vehicles the offender 1451  
operates are equipped with a certified ignition interlock 1452  
device. 1453

(6) No judge or mayor shall grant limited driving 1454  
privileges to an offender whose driver's or commercial driver's 1455  
license or permit or nonresident operating privilege has been 1456  
suspended under division (B) of section 4511.191 of the Revised 1457  
Code during any of the following periods of time: 1458

(a) The first thirty days of suspension imposed under 1459  
division (B) (1) (a) of section 4511.191 of the Revised Code; 1460

(b) The first ninety days of suspension imposed under 1461  
division (B) (1) (b) of section 4511.191 of the Revised Code; 1462

(c) The first year of suspension imposed under division 1463  
(B) (1) (c) of section 4511.191 of the Revised Code; 1464

(d) The first three years of suspension imposed under 1465  
division (B) (1) (d) of section 4511.191 of the Revised Code. 1466

(7) In any case in which a judge or mayor grants limited 1467  
driving privileges to an offender whose driver's or commercial 1468  
driver's license or permit or nonresident operating privilege 1469  
has been suspended under division (G) (1) ~~(b)~~, (c), (d), or (e) of 1470  
section 4511.19 of the Revised Code, under division (G) (1) (a) or 1471

(b) of section 4511.19 of the Revised Code for a violation of 1472  
division (A)(1)(f), (g), (h), or (i) of that section, or under 1473  
section 4510.07 of the Revised Code for a municipal OVI 1474  
conviction for which sentence would have been imposed under 1475  
division (G)(1)(a)(ii) or (G)(1)(b)(ii) or (G)(1)~~(b)~~, (c), (d), 1476  
or (e) of section 4511.19 of the Revised Code had the offender 1477  
been charged with and convicted of a violation of section 1478  
4511.19 of the Revised Code instead of a violation of the 1479  
municipal OVI ordinance, the judge or mayor shall impose as a 1480  
condition of the privileges that the offender must display on 1481  
the vehicle that is driven subject to the privileges restricted 1482  
license plates that are issued under section 4503.231 of the 1483  
Revised Code, except as provided in division (B) of that 1484  
section. 1485

(8) In any case in which ~~the an offender operates is~~ 1486  
required by a court under this section to operate a motor 1487  
vehicle that is ~~not~~ equipped with an a certified ignition 1488  
interlock device, ~~circumvents the device, or tampers with the~~ 1489  
~~device or in any case in which the court receives notice~~ 1490  
~~pursuant to section 4510.46 of the Revised Code that a certified~~ 1491  
~~ignition interlock device required by an order issued under~~ 1492  
~~division (A)(5)(e), (f), or (g) of this section prevented an~~ 1493  
~~offender from starting a motor vehicle~~ and either the offender 1494  
commits an ignition interlock device violation as defined under 1495  
section 4510.46 of the Revised Code or the offender operates a 1496  
motor vehicle that is not equipped with a certified ignition 1497  
interlock device, the following applies: 1498

(a) If the offender was sentenced under division (G)(1)(a) 1499  
or (b) or division (H) of section 4511.19 of the Revised Code, 1500  
on a first instance the court may require the offender to wear a 1501  
monitor that provides continuous alcohol monitoring that is 1502

remote. On a second instance, the court shall require the 1503  
offender to wear a monitor that provides continuous alcohol 1504  
monitoring that is remote for a minimum of forty days. On a 1505  
third instance or more, the court shall require the offender to 1506  
wear a monitor that provides continuous alcohol monitoring that 1507  
is remote for a minimum of sixty days. 1508

(b) If the offender was sentenced under division (G) (1) 1509  
(c), (d), or (e) of section 4511.19 of the Revised Code, on a 1510  
first instance the court shall require the offender to wear a 1511  
monitor that provides continuous alcohol monitoring that is 1512  
remote for a minimum of forty days. On a second instance or 1513  
more, the court shall require the offender to wear a monitor 1514  
that provides continuous alcohol monitoring that is remote for a 1515  
minimum of sixty days. 1516

(c) The court may increase the period of suspension of the 1517  
offender's driver's or commercial driver's license or permit or 1518  
nonresident operating privilege from that originally imposed by 1519  
the court by a factor of two and may increase the period of time 1520  
during which the offender will be prohibited from exercising any 1521  
limited driving privileges granted to the offender unless the 1522  
vehicles the offender operates are equipped with a certified 1523  
ignition interlock device by a factor of two. The limitation 1524  
under division (E) of section 4510.46 of the Revised Code 1525  
applies to an increase under division (A) (8) (c) of this section. 1526

(d) If the violation occurred within sixty days of the end 1527  
of the suspension of the offender's driver's or commercial 1528  
driver's license or permit or nonresident operating privilege 1529  
and the court does not impose an increase in the period of the 1530  
suspension under division (A) (8) (c) of this section, the court 1531  
shall proceed as follows: 1532

(i) Issue an order extending the period of suspension and 1533  
the grant of limited driving privileges with a required 1534  
certified ignition interlock device so that the suspension 1535  
terminates sixty days from the date the offender committed that 1536  
violation. 1537

(ii) For each violation subsequent to a violation for 1538  
which an extension was ordered under division (A) (8) (d) (i) of 1539  
this section, issue an order extending the period of suspension 1540  
and the grant of limited driving privileges with a required 1541  
certified ignition interlock device so that the suspension 1542  
terminates sixty days from the date the offender committed that 1543  
violation. 1544

The registrar of motor vehicles is prohibited from 1545  
reinstating an offender's license unless the applicable period 1546  
of suspension has been served and no ignition interlock device 1547  
violations have been committed within the sixty days prior to 1548  
the application for reinstatement. 1549

(9) At the time the court issues an order under this 1550  
section requiring an offender to use an ignition interlock 1551  
device, the court shall provide notice to the offender of each 1552  
action the court is authorized or required to take under 1553  
division (A) (8) of this section if the offender circumvents or 1554  
tampers with the device or in any case in which the court 1555  
receives notice pursuant to section 4510.46 of the Revised Code 1556  
that a device prevented an offender from starting a motor 1557  
vehicle. 1558

(10) In any case in which the court issues an order under 1559  
this section prohibiting an offender from exercising limited 1560  
driving privileges unless the vehicles the offender operates are 1561  
equipped with an immobilizing or disabling device, including a 1562

certified ignition interlock device, or requires an offender to 1563  
wear a monitor that provides continuous alcohol monitoring that 1564  
is remote, the court shall impose an additional court cost of 1565  
two dollars and fifty cents upon the offender. The court shall 1566  
not waive the payment of the two dollars and fifty cents unless 1567  
the court determines that the offender is indigent and waives 1568  
the payment of all court costs imposed upon the indigent 1569  
offender. The clerk of court shall transmit one hundred per cent 1570  
of this mandatory court cost collected during a month on or 1571  
before the twenty-third day of the following month to the state 1572  
treasury to be credited to the state highway safety fund created 1573  
under section 4501.06 of the Revised Code, to be used by the 1574  
department of public safety to cover costs associated with 1575  
maintaining the habitual OVI/OMWI offender registry created 1576  
under section 5502.10 of the Revised Code. In its discretion the 1577  
court may impose an additional court cost of two dollars and 1578  
fifty cents upon the offender. The clerk of court shall retain 1579  
this discretionary two dollar and fifty cent court cost, if 1580  
imposed, and shall deposit it in the court's special projects 1581  
fund that is established under division (E) (1) of section 1582  
2303.201, division (B) (1) of section 1901.26, or division (B) (1) 1583  
of section 1907.24 of the Revised Code. 1584

~~(10) In any case in which the court issues an order under 1585  
this section prohibiting an offender from exercising limited 1586  
driving privileges unless the vehicles the offender operates are 1587  
equipped with an immobilizing or disabling device, including a 1588  
certified ignition interlock device, the court shall notify the 1589  
offender at the time the offender is granted limited driving 1590  
privileges that, in accordance with section 4510.46 of the 1591  
Revised Code, if the court receives notice that the device 1592  
prevented the offender from starting the motor vehicle because 1593~~

~~the device was tampered with or circumvented or because the~~ 1594  
~~analysis of the deep lung breath sample or other method employed~~ 1595  
~~by the device to measure the concentration by weight of alcohol~~ 1596  
~~in the offender's breath indicated the presence of alcohol in~~ 1597  
~~the offender's breath in a concentration sufficient to prevent~~ 1598  
~~the device from permitting the motor vehicle to be started, the~~ 1599  
~~court may increase the period of suspension of the offender's~~ 1600  
~~driver's or commercial driver's license or permit or nonresident~~ 1601  
~~operating privilege from that originally imposed by the court by~~ 1602  
~~a factor of two and may increase the period of time during which~~ 1603  
~~the offender will be prohibited from exercising any limited~~ 1604  
~~driving privileges granted to the offender unless the vehicles~~ 1605  
~~the offender operates are equipped with a certified ignition~~ 1606  
~~interlock device by a factor of two.~~ 1607

(B) Any person whose driver's or commercial driver's 1608  
license or permit or nonresident operating privilege has been 1609  
suspended pursuant to section 4511.19 or 4511.191 of the Revised 1610  
Code or under section 4510.07 of the Revised Code for a 1611  
violation of a municipal OVI ordinance may file a petition for 1612  
limited driving privileges during the suspension. The person 1613  
shall file the petition in the court that has jurisdiction over 1614  
the place of arrest. Subject to division (A) of this section, 1615  
the court may grant the person limited driving privileges during 1616  
the period during which the suspension otherwise would be 1617  
imposed. However, the court shall not grant the privileges for 1618  
employment as a driver of a commercial motor vehicle to any 1619  
person who is disqualified from operating a commercial motor 1620  
vehicle under section 4506.16 of the Revised Code or during any 1621  
of the periods prescribed by division (A) of this section. 1622

(C) (1) After a driver's or commercial driver's license or 1623  
permit or nonresident operating privilege has been suspended 1624

pursuant to section 2903.06, 2903.08, 2903.11, 2907.24, 1625  
2921.331, 2923.02, 2929.02, 4511.19, 4511.251, 4549.02, 1626  
4549.021, or 5743.99 of the Revised Code, any provision of 1627  
Chapter 2925. of the Revised Code, or section 4510.07 of the 1628  
Revised Code for a violation of a municipal OVI ordinance, the 1629  
judge of the court or mayor of the mayor's court that suspended 1630  
the license, permit, or privilege shall cause the offender to 1631  
deliver to the court the license or permit. The judge, mayor, or 1632  
clerk of the court or mayor's court shall forward to the 1633  
registrar the license or permit together with notice of the 1634  
action of the court. 1635

(2) A suspension of a commercial driver's license under 1636  
any section or chapter identified in division (C)(1) of this 1637  
section shall be concurrent with any period of suspension or 1638  
disqualification under section 3123.58 or 4506.16 of the Revised 1639  
Code. No person who is disqualified for life from holding a 1640  
commercial driver's license under section 4506.16 of the Revised 1641  
Code shall be issued a driver's license under this chapter 1642  
during the period for which the commercial driver's license was 1643  
suspended under this section, and no person whose commercial 1644  
driver's license is suspended under any section or chapter 1645  
identified in division (C)(1) of this section shall be issued a 1646  
driver's license under Chapter 4507. of the Revised Code during 1647  
the period of the suspension. 1648

(3) No judge or mayor shall suspend any class one 1649  
suspension, or any portion of any class one suspension, imposed 1650  
under section 2903.04, 2903.06, 2903.08, or 2921.331 of the 1651  
Revised Code. No judge or mayor shall suspend the first thirty 1652  
days of any class two, class three, class four, class five, or 1653  
class six suspension imposed under section 2903.06, 2903.08, 1654  
2903.11, 2923.02, or 2929.02 of the Revised Code. 1655



(D) The judge of the court or mayor of the mayor's court 1656  
shall credit any time during which an offender was subject to an 1657  
administrative suspension of the offender's driver's or 1658  
commercial driver's license or permit or nonresident operating 1659  
privilege imposed pursuant to section 4511.191 or 4511.192 of 1660  
the Revised Code or a suspension imposed by a judge, referee, or 1661  
mayor pursuant to division (B) (1) or (2) of section 4511.196 of 1662  
the Revised Code against the time to be served under a related 1663  
suspension imposed pursuant to any section or chapter identified 1664  
in division (C) (1) of this section. 1665

(E) The judge or mayor shall notify the bureau of motor 1666  
vehicles of any determinations made pursuant to this section and 1667  
of any suspension imposed pursuant to any section or chapter 1668  
identified in division (C) (1) of this section. 1669

(F) (1) If a court issues an order under this section 1670  
granting limited driving privileges and requiring an offender to 1671  
use an immobilizing or disabling device ~~order under section~~ 1672  
~~4510.43 of the Revised Code~~, the order shall authorize the 1673  
offender during the specified period to operate a motor vehicle 1674  
only if it is equipped with ~~an immobilizing or disabling~~ such a 1675  
device, except as provided in division (C) of ~~that~~ section 1676  
4510.43 of the Revised Code. The court shall provide the 1677  
offender with a copy of ~~an immobilizing or disabling device~~ the 1678  
~~order issued under section 4510.43 of the Revised Code~~, and the 1679  
~~offender shall use the copy of the order in lieu of an Ohio~~ 1680  
~~driver's or commercial driver's license or permit until the~~ 1681  
~~registrar or a deputy registrar issues the offender a restricted~~ 1682  
license for purposes of obtaining a restricted license and shall 1683  
submit a copy of the order to the registrar of motor vehicles. 1684

~~An order issued under section 4510.43 of the Revised Code~~ 1685

~~does not authorize or permit the offender to whom it has been~~ 1686  
~~issued to operate a vehicle during any time that the offender's~~ 1687  
~~driver's or commercial driver's license or permit is suspended~~ 1688  
~~under any other provision of law.~~ 1689

(2) An offender ~~may~~ shall present the copy of an 1690  
immobilizing or disabling device order issued under this section 1691  
and a certificate affirming the installation of an immobilizing 1692  
or disabling device signed by the person who installed the 1693  
device to the registrar or to a deputy registrar. Upon 1694  
presentation of the order and certificate to the registrar or a 1695  
deputy registrar, the registrar or deputy registrar shall issue 1696  
the offender a restricted license, unless the offender's 1697  
driver's or commercial driver's license or permit is suspended 1698  
under any other provision of law and limited driving privileges 1699  
have not been granted with regard to that suspension. A 1700  
restricted license issued under this division shall be identical 1701  
to an Ohio driver's license, except that it shall have printed 1702  
on its face a statement that the offender is prohibited ~~during~~ 1703  
~~the period specified in the court order~~ from operating any motor 1704  
vehicle that is not equipped with an immobilizing or disabling 1705  
device in violation of the order. ~~The date of commencement and~~ 1706  
~~the date of termination of the period of suspension shall be~~ 1707  
~~indicated conspicuously upon the face of the license.~~ 1708

(3) (a) No person who has been granted limited driving 1709  
privileges subject to an immobilizing or disabling device order 1710  
under this section shall operate a motor vehicle prior to 1711  
obtaining a restricted license. Any person who violates this 1712  
prohibition is subject to the penalties prescribed in section 1713  
4510.14 of the Revised Code. 1714

(b) The offense established under division (F) (3) (a) of 1715

this section is a strict liability offense and section 2901.20 1716  
of the Revised Code does not apply. 1717

**Sec. 4510.17.** (A) The registrar of motor vehicles shall 1718  
impose a class D suspension of the person's driver's license, 1719  
commercial driver's license, temporary instruction permit, 1720  
probationary license, or nonresident operating privilege for the 1721  
period of time specified in division (B) (4) of section 4510.02 1722  
of the Revised Code on any person who is a resident of this 1723  
state and is convicted of or pleads guilty to a violation of a 1724  
statute of any other state or any federal statute that is 1725  
substantially similar to section 2925.02, 2925.03, 2925.04, 1726  
2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 1727  
2925.141, 2925.22, 2925.23, 2925.31, 2925.32, 2925.36, or 1728  
2925.37 of the Revised Code. Upon receipt of a report from a 1729  
court, court clerk, or other official of any other state or from 1730  
any federal authority that a resident of this state was 1731  
convicted of or pleaded guilty to an offense described in this 1732  
division, the registrar shall send a notice by regular first 1733  
class mail to the person, at the person's last known address as 1734  
shown in the records of the bureau of motor vehicles, informing 1735  
the person of the suspension, that the suspension will take 1736  
effect twenty-one days from the date of the notice, and that, if 1737  
the person wishes to appeal the suspension or denial, the person 1738  
must file a notice of appeal within twenty-one days of the date 1739  
of the notice requesting a hearing on the matter. If the person 1740  
requests a hearing, the registrar shall hold the hearing not 1741  
more than forty days after receipt by the registrar of the 1742  
notice of appeal. The filing of a notice of appeal does not stay 1743  
the operation of the suspension that must be imposed pursuant to 1744  
this division. The scope of the hearing shall be limited to 1745  
whether the person actually was convicted of or pleaded guilty 1746

to the offense for which the suspension is to be imposed. 1747

The suspension the registrar is required to impose under 1748  
this division shall end either on the last day of the class D 1749  
suspension period or of the suspension of the person's 1750  
nonresident operating privilege imposed by the state or federal 1751  
court, whichever is earlier. 1752

The registrar shall subscribe to or otherwise participate 1753  
in any information system or register, or enter into reciprocal 1754  
and mutual agreements with other states and federal authorities, 1755  
in order to facilitate the exchange of information with other 1756  
states and the United States government regarding persons who 1757  
plead guilty to or are convicted of offenses described in this 1758  
division and therefore are subject to the suspension or denial 1759  
described in this division. 1760

(B) The registrar shall impose a class D suspension of the 1761  
person's driver's license, commercial driver's license, 1762  
temporary instruction permit, probationary license, or 1763  
nonresident operating privilege for the period of time specified 1764  
in division (B)(4) of section 4510.02 of the Revised Code on any 1765  
person who is a resident of this state and is convicted of or 1766  
pleads guilty to a violation of a statute of any other state or 1767  
a municipal ordinance of a municipal corporation located in any 1768  
other state that is substantially similar to section 4511.19 of 1769  
the Revised Code. Upon receipt of a report from another state 1770  
made pursuant to section 4510.61 of the Revised Code indicating 1771  
that a resident of this state was convicted of or pleaded guilty 1772  
to an offense described in this division, the registrar shall 1773  
send a notice by regular first class mail to the person, at the 1774  
person's last known address as shown in the records of the 1775  
bureau of motor vehicles, informing the person of the 1776

suspension, that the suspension or denial will take effect 1777  
twenty-one days from the date of the notice, and that, if the 1778  
person wishes to appeal the suspension, the person must file a 1779  
notice of appeal within twenty-one days of the date of the 1780  
notice requesting a hearing on the matter. If the person 1781  
requests a hearing, the registrar shall hold the hearing not 1782  
more than forty days after receipt by the registrar of the 1783  
notice of appeal. The filing of a notice of appeal does not stay 1784  
the operation of the suspension that must be imposed pursuant to 1785  
this division. The scope of the hearing shall be limited to 1786  
whether the person actually was convicted of or pleaded guilty 1787  
to the offense for which the suspension is to be imposed. 1788

The suspension the registrar is required to impose under 1789  
this division shall end either on the last day of the class D 1790  
suspension period or of the suspension of the person's 1791  
nonresident operating privilege imposed by the state or federal 1792  
court, whichever is earlier. 1793

(C) The registrar shall impose a class D suspension of the 1794  
child's driver's license, commercial driver's license, temporary 1795  
instruction permit, or nonresident operating privilege for the 1796  
period of time specified in division (B) (4) of section 4510.02 1797  
of the Revised Code on any child who is a resident of this state 1798  
and is convicted of or pleads guilty to a violation of a statute 1799  
of any other state or any federal statute that is substantially 1800  
similar to section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1801  
2925.06, 2925.11, 2925.12, 2925.13, 2925.14, 2925.141, 2925.22, 1802  
2925.23, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised 1803  
Code. Upon receipt of a report from a court, court clerk, or 1804  
other official of any other state or from any federal authority 1805  
that a child who is a resident of this state was convicted of or 1806  
pleaded guilty to an offense described in this division, the 1807

registrar shall send a notice by regular first class mail to the 1808  
child, at the child's last known address as shown in the records 1809  
of the bureau of motor vehicles, informing the child of the 1810  
suspension, that the suspension or denial will take effect 1811  
twenty-one days from the date of the notice, and that, if the 1812  
child wishes to appeal the suspension, the child must file a 1813  
notice of appeal within twenty-one days of the date of the 1814  
notice requesting a hearing on the matter. If the child requests 1815  
a hearing, the registrar shall hold the hearing not more than 1816  
forty days after receipt by the registrar of the notice of 1817  
appeal. The filing of a notice of appeal does not stay the 1818  
operation of the suspension that must be imposed pursuant to 1819  
this division. The scope of the hearing shall be limited to 1820  
whether the child actually was convicted of or pleaded guilty to 1821  
the offense for which the suspension is to be imposed. 1822

The suspension the registrar is required to impose under 1823  
this division shall end either on the last day of the class D 1824  
suspension period or of the suspension of the child's 1825  
nonresident operating privilege imposed by the state or federal 1826  
court, whichever is earlier. If the child is a resident of this 1827  
state who is sixteen years of age or older and does not have a 1828  
current, valid Ohio driver's or commercial driver's license or 1829  
permit, the notice shall inform the child that the child will be 1830  
denied issuance of a driver's or commercial driver's license or 1831  
permit for six months beginning on the date of the notice. If 1832  
the child has not attained the age of sixteen years on the date 1833  
of the notice, the notice shall inform the child that the period 1834  
of denial of six months shall commence on the date the child 1835  
attains the age of sixteen years. 1836

The registrar shall subscribe to or otherwise participate 1837  
in any information system or register, or enter into reciprocal 1838

and mutual agreements with other states and federal authorities, 1839  
in order to facilitate the exchange of information with other 1840  
states and the United States government regarding children who 1841  
are residents of this state and plead guilty to or are convicted 1842  
of offenses described in this division and therefore are subject 1843  
to the suspension or denial described in this division. 1844

(D) The registrar shall impose a class D suspension of the 1845  
child's driver's license, commercial driver's license, temporary 1846  
instruction permit, probationary license, or nonresident 1847  
operating privilege for the period of time specified in division 1848  
(B) (4) of section 4510.02 of the Revised Code on any child who 1849  
is a resident of this state and is convicted of or pleads guilty 1850  
to a violation of a statute of any other state or a municipal 1851  
ordinance of a municipal corporation located in any other state 1852  
that is substantially similar to section 4511.19 of the Revised 1853  
Code. Upon receipt of a report from another state made pursuant 1854  
to section 4510.61 of the Revised Code indicating that a child 1855  
who is a resident of this state was convicted of or pleaded 1856  
guilty to an offense described in this division, the registrar 1857  
shall send a notice by regular first class mail to the child, at 1858  
the child's last known address as shown in the records of the 1859  
bureau of motor vehicles, informing the child of the suspension, 1860  
that the suspension will take effect twenty-one days from the 1861  
date of the notice, and that, if the child wishes to appeal the 1862  
suspension, the child must file a notice of appeal within 1863  
twenty-one days of the date of the notice requesting a hearing 1864  
on the matter. If the child requests a hearing, the registrar 1865  
shall hold the hearing not more than forty days after receipt by 1866  
the registrar of the notice of appeal. The filing of a notice of 1867  
appeal does not stay the operation of the suspension that must 1868  
be imposed pursuant to this division. The scope of the hearing 1869

shall be limited to whether the child actually was convicted of 1870  
or pleaded guilty to the offense for which the suspension is to 1871  
be imposed. 1872

The suspension the registrar is required to impose under 1873  
this division shall end either on the last day of the class D 1874  
suspension period or of the suspension of the child's 1875  
nonresident operating privilege imposed by the state or federal 1876  
court, whichever is earlier. If the child is a resident of this 1877  
state who is sixteen years of age or older and does not have a 1878  
current, valid Ohio driver's or commercial driver's license or 1879  
permit, the notice shall inform the child that the child will be 1880  
denied issuance of a driver's or commercial driver's license or 1881  
permit for six months beginning on the date of the notice. If 1882  
the child has not attained the age of sixteen years on the date 1883  
of the notice, the notice shall inform the child that the period 1884  
of denial of six months shall commence on the date the child 1885  
attains the age of sixteen years. 1886

(E) (1) Any person whose license or permit has been 1887  
suspended pursuant to this section may file a petition in the 1888  
municipal or county court, or in case the person is under 1889  
eighteen years of age, the juvenile court, in whose jurisdiction 1890  
the person resides, agreeing to pay the cost of the proceedings 1891  
and alleging that the suspension would seriously affect the 1892  
person's ability to continue the person's employment. Upon 1893  
satisfactory proof that there is reasonable cause to believe 1894  
that the suspension would seriously affect the person's ability 1895  
to continue the person's employment, the judge may grant the 1896  
person limited driving privileges during the period during which 1897  
the suspension otherwise would be imposed, except that the judge 1898  
shall not grant limited driving privileges for employment as a 1899  
driver of a commercial motor vehicle to any person who would be 1900



disqualified from operating a commercial motor vehicle under 1901  
section 4506.16 of the Revised Code if the violation had 1902  
occurred in this state, or during any of the following periods 1903  
of time: 1904

~~(1)~~ (a) The first fifteen days of a suspension under 1905  
division (B) or (D) of this section, if the person has not been 1906  
convicted within ~~six~~ ten years of the date of the offense giving 1907  
rise to the suspension under this section of a violation of any 1908  
of the following: 1909

~~(a)~~ (i) Section 4511.19 of the Revised Code, or a 1910  
municipal ordinance relating to operating a vehicle while under 1911  
the influence of alcohol, a drug of abuse, or alcohol and a drug 1912  
of abuse; 1913

~~(b)~~ (ii) A municipal ordinance relating to operating a 1914  
motor vehicle with a prohibited concentration of alcohol, a 1915  
controlled substance, or a metabolite of a controlled substance 1916  
in the whole blood, blood serum or plasma, breath, or urine; 1917

~~(c)~~ (iii) Section 2903.04 of the Revised Code in a case in 1918  
which the person was subject to the sanctions described in 1919  
division (D) of that section; 1920

~~(d)~~ (iv) Division (A) (1) of section 2903.06 or division 1921  
(A) (1) of section 2903.08 of the Revised Code or a municipal 1922  
ordinance that is substantially similar to either of those 1923  
divisions; 1924

~~(e)~~ (v) Division (A) (2), (3), or (4) of section 2903.06, 1925  
division (A) (2) of section 2903.08, or as it existed prior to 1926  
March 23, 2000, section 2903.07 of the Revised Code, or a 1927  
municipal ordinance that is substantially similar to any of 1928  
those divisions or that former section, in a case in which the 1929

jury or judge found that the person was under the influence of 1930  
alcohol, a drug of abuse, or alcohol and a drug of abuse. 1931

~~(2)~~ (b) The first thirty days of a suspension under 1932  
division (B) or (D) of this section, if the person has been 1933  
convicted one time within ~~six~~ ten years of the date of the 1934  
offense giving rise to the suspension under this section of any 1935  
violation identified in division (E) (1) (a) of this section. 1936

~~(3)~~ (c) The first one hundred eighty days of a suspension 1937  
under division (B) or (D) of this section, if the person has 1938  
been convicted two times within ~~six~~ ten years of the date of the 1939  
offense giving rise to the suspension under this section of any 1940  
violation identified in division (E) (1) (a) of this section. 1941

~~(4)~~ (2) No limited driving privileges may be granted if 1942  
the person has been convicted three or more times within five 1943  
years of the date of the offense giving rise to a suspension 1944  
under division (B) or (D) of this section of any violation 1945  
identified in division (E) (1) (a) of this section. 1946

(3) In accordance with section 4510.022 of the Revised 1947  
Code, a person may petition for, and a judge may grant, 1948  
unlimited driving privileges with a certified ignition interlock 1949  
device during the period of suspension imposed under division 1950  
(B) or (D) of this section to a person described in division (E) 1951  
(1) (a) of this section. 1952

(4) If a person petitions for limited driving privileges 1953  
under division (E) (1) of this section or unlimited driving 1954  
privileges with a certified ignition interlock device as 1955  
provided in division (E) (3) of this section, the registrar shall 1956  
be represented by the county prosecutor of the county in which 1957  
the person resides if the petition is filed in a juvenile court 1958

or county court, except that if the person resides within a city 1959  
or village that is located within the jurisdiction of the county 1960  
in which the petition is filed, the city director of law or 1961  
village solicitor of that city or village shall represent the 1962  
registrar. If the petition is filed in a municipal court, the 1963  
registrar shall be represented as provided in section 1901.34 of 1964  
the Revised Code. 1965

(5) (a) In issuing an order granting limited driving 1966  
privileges under division (E) (1) of this section, the court may 1967  
impose any condition it considers reasonable and necessary to 1968  
limit the use of a vehicle by the person. The court shall 1969  
deliver to the person a ~~permit card, in a form to be prescribed~~ 1970  
~~by the court, copy of the order~~ setting forth the time, place, 1971  
and other conditions limiting the person's use of a motor 1972  
vehicle. ~~The Unless division (E) (5) (b) of this section applies,~~ 1973  
the grant of limited driving privileges shall be conditioned 1974  
upon the person's having the ~~permit order~~ in the person's 1975  
possession at all times during which the person is operating a 1976  
vehicle. 1977

(b) If, under the order, the court requires the use of an 1978  
immobilizing or disabling device as a condition of the grant of 1979  
limited or unlimited driving privileges, the person shall 1980  
present the copy of the order granting limited driving 1981  
privileges and a certificate affirming the installation of an 1982  
immobilizing or disabling device signed by the person who 1983  
installed the device to the registrar or to a deputy registrar. 1984  
Upon presentation of the order and the certificate to the 1985  
registrar or a deputy registrar, the registrar or deputy 1986  
registrar shall issue to the offender a restricted license, 1987  
unless the offender's driver's or commercial driver's license or 1988  
permit is suspended under any other provision of law and limited 1989

driving privileges have not been granted with regard to that 1990  
suspension. A restricted license issued under this division 1991  
shall be identical to an Ohio driver's license, except that it 1992  
shall have printed on its face a statement that the offender is 1993  
prohibited from operating any motor vehicle that is not equipped 1994  
with an immobilizing or disabling device in violation of the 1995  
order. 1996

A-(6) (a) Unless division (E) (6) (b) applies, a person 1997  
granted limited driving privileges who operates a vehicle for 1998  
other than limited purposes, in violation of any condition 1999  
imposed by the court or without having the permit order in the 2000  
person's possession, is guilty of a violation of section 4510.11 2001  
of the Revised Code. 2002

(b) No person who has been granted limited or unlimited 2003  
driving privileges under division (E) of this section subject to 2004  
an immobilizing or disabling device order shall operate a motor 2005  
vehicle prior to obtaining a restricted license. Any person who 2006  
violates this prohibition is subject to the penalties prescribed 2007  
in section 4510.14 of the Revised Code. 2008

(c) The offenses established under division (E) (6) of this 2009  
section are strict liability offenses and section 2901.20 of the 2010  
Revised Code does not apply. 2011

(F) The provisions of division (A) (8) of section 4510.13 2012  
of the Revised Code apply to a person who has been granted 2013  
limited or unlimited driving privileges with a certified 2014  
ignition interlock device under this section and who either 2015  
commits an ignition interlock device violation as defined under 2016  
section 4510.46 of the Revised Code or operates a motor vehicle 2017  
that is not equipped with a certified ignition interlock device. 2018

~~(F)~~ (G) As used in divisions (C) and (D) of this section: 2019

(1) "Child" means a person who is under the age of 2020  
eighteen years, except that any person who violates a statute or 2021  
ordinance described in division (C) or (D) of this section prior 2022  
to attaining eighteen years of age shall be deemed a "child" 2023  
irrespective of the person's age at the time the complaint or 2024  
other equivalent document is filed in the other state or a 2025  
hearing, trial, or other proceeding is held in the other state 2026  
on the complaint or other equivalent document, and irrespective 2027  
of the person's age when the period of license suspension or 2028  
denial prescribed in division (C) or (D) of this section is 2029  
imposed. 2030

(2) "Is convicted of or pleads guilty to" means, as it 2031  
relates to a child who is a resident of this state, that in a 2032  
proceeding conducted in a state or federal court located in 2033  
another state for a violation of a statute or ordinance 2034  
described in division (C) or (D) of this section, the result of 2035  
the proceeding is any of the following: 2036

(a) Under the laws that govern the proceedings of the 2037  
court, the child is adjudicated to be or admits to being a 2038  
delinquent child or a juvenile traffic offender for a violation 2039  
described in division (C) or (D) of this section that would be a 2040  
crime if committed by an adult; 2041

(b) Under the laws that govern the proceedings of the 2042  
court, the child is convicted of or pleads guilty to a violation 2043  
described in division (C) or (D) of this section; 2044

(c) Under the laws that govern the proceedings of the 2045  
court, irrespective of the terminology utilized in those laws, 2046  
the result of the court's proceedings is the functional 2047

equivalent of division (F) (2) (a) or (b) of this section. 2048

**Sec. 4510.43.** (A) (1) The director of public safety, upon 2049  
consultation with the director of health and in accordance with 2050  
Chapter 119. of the Revised Code, shall certify immobilizing and 2051  
disabling devices and, subject to section 4510.45 of the Revised 2052  
Code, shall publish and make available to the courts, without 2053  
charge, a list of licensed manufacturers of ignition interlock 2054  
devices and approved devices together with information about the 2055  
manufacturers of the devices and where they may be obtained. The 2056  
manufacturer of an immobilizing or disabling device shall pay 2057  
the cost of obtaining the certification of the device to the 2058  
director of public safety, and the director shall deposit the 2059  
payment in the indigent drivers alcohol treatment fund 2060  
established by section 4511.191 of the Revised Code. 2061

(2) The director of public safety, in accordance with 2062  
Chapter 119. of the Revised Code, shall adopt and publish rules 2063  
setting forth the requirements for obtaining the certification 2064  
of an immobilizing or disabling device. The director of public 2065  
safety shall not certify an immobilizing or disabling device 2066  
under this section unless it meets the requirements specified 2067  
and published by the director in the rules adopted pursuant to 2068  
this division. A certified device may consist of an ignition 2069  
interlock device, an ignition blocking device initiated by time 2070  
or magnetic or electronic encoding, an activity monitor, or any 2071  
other device that reasonably assures compliance with an order 2072  
granting limited driving privileges. Ignition interlock devices 2073  
shall be certified annually. 2074

The requirements for an immobilizing or disabling device 2075  
that is an ignition interlock device shall require that the 2076  
manufacturer of the device submit to the department of public 2077

safety a certificate from an independent testing laboratory 2078  
indicating that the device meets or exceeds the standards of the 2079  
national highway traffic safety administration, as defined in 2080  
section 4511.19 of the Revised Code, that are in effect at the 2081  
time of the director's decision regarding certification of the 2082  
device, shall include provisions for setting a minimum and 2083  
maximum calibration range, and shall include, but shall not be 2084  
limited to, specifications that the device complies with all of 2085  
the following: 2086

(a) It does not impede the safe operation of the vehicle. 2087

(b) It has features that make circumvention difficult and 2088  
that do not interfere with the normal use of the vehicle, and 2089  
the features are operating and functioning. 2090

(c) It correlates well with established measures of 2091  
alcohol impairment. 2092

(d) It works accurately and reliably in an unsupervised 2093  
environment. 2094

(e) It is resistant to tampering and shows evidence of 2095  
tampering if tampering is attempted. 2096

(f) It is difficult to circumvent and requires 2097  
premeditation to do so. 2098

(g) It minimizes inconvenience to a sober user. 2099

(h) It requires a proper, deep-lung breath sample or other 2100  
accurate measure of the concentration by weight of alcohol in 2101  
the breath. 2102

(i) It operates reliably over the range of automobile 2103  
environments. 2104

(j) It is made by a manufacturer who is covered by product liability insurance. 2105  
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(k) Beginning January 1, 2020, it is equipped with a camera. 2107  
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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. 2109  
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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. 2114  
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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 device shall not be used for a violation of section 4510.14 or 4511.19 of the Revised Code, a violation of a municipal OVI ordinance, or in relation to a suspension imposed under section 4511.191 of the Revised Code. A court that uses a prototype device in a pilot program, periodically during the existence of the program and within fourteen days after termination of the program, shall report in writing to the director of public safety regarding the effectiveness of the prototype device and the program. 2121  
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(C) If a person has been granted limited or unlimited 2135  
driving privileges with a condition of the privileges being that 2136  
the motor vehicle that is operated under the privileges must be 2137  
equipped with an immobilizing or disabling device, the person 2138  
may operate a motor vehicle that is owned by the person's 2139  
employer only if the person is required to operate that motor 2140  
vehicle in the course and scope of the offender's employment. 2141  
Such a person may operate that vehicle without the installation 2142  
of an immobilizing or disabling device, provided that the 2143  
employer has been notified that the person has limited driving 2144  
privileges and of the nature of the restriction and further 2145  
provided that the person has proof of the employer's 2146  
notification in the person's possession while operating the 2147  
employer's vehicle for normal business duties. A motor vehicle 2148  
owned by a business that is partly or entirely owned or 2149  
controlled by a person with limited driving privileges is not a 2150  
motor vehicle owned by an employer, for purposes of this 2151  
division. 2152

(D) A person who has been granted limited or unlimited 2153  
driving privileges under the condition that the person use a 2154  
certified ignition interlock device and who has started a 2155  
vehicle through the use of a certified ignition interlock device 2156  
is not required to subsequently breathe into the device while 2157  
the vehicle is running in order to retest the concentration of 2158  
alcohol in the person's breath. 2159

**Sec. 4510.44.** (A) (1) No offender ~~with~~ who has been granted 2160  
limited or unlimited driving privileges, during any period that 2161  
the offender is required to operate only a motor vehicle 2162  
equipped with an immobilizing or disabling device, shall request 2163  
or permit any other person to breathe into the device if it is 2164  
an ignition interlock device or another type of device that 2165

monitors the concentration of alcohol in a person's breath or to 2166  
otherwise start the motor vehicle equipped with the device, for 2167  
the purpose of providing the offender with an operable motor 2168  
vehicle. 2169

~~(2) (a) Except as provided in division (A) (2) (b) of this~~ 2170  
~~section, no~~ No person shall breathe into an immobilizing or 2171  
disabling device that is an ignition interlock device or another 2172  
type of device that monitors the concentration of alcohol in a 2173  
person's breath or otherwise start a motor vehicle equipped with 2174  
an immobilizing or disabling device, for the purpose of 2175  
providing an operable motor vehicle to ~~an offender with limited~~ 2176  
~~driving privileges who is permitted to~~ another person who has 2177  
been granted limited or unlimited driving privileges under the 2178  
condition that the person operate only a motor vehicle equipped 2179  
with an immobilizing or disabling device. 2180

~~(b) Division (A) (2) (a) of this section does not apply to a~~ 2181  
~~person in the following circumstances:~~ 2182

~~(i) The person is an offender with limited driving~~ 2183  
~~privileges.~~ 2184

~~(ii) The person breathes into an immobilizing or disabling~~ 2185  
~~device that is an ignition interlock device or another type of~~ 2186  
~~device that monitors the concentration of alcohol in a person's~~ 2187  
~~breath or otherwise starts a motor vehicle equipped with an~~ 2188  
~~immobilizing or disabling device.~~ 2189

~~(iii) The person breathes into the device or starts the~~ 2190  
~~vehicle for the purpose of providing the person with an operable~~ 2191  
~~motor vehicle.~~ 2192

(3) No unauthorized person shall tamper with or circumvent 2193  
the operation of an immobilizing or disabling device. 2194

(B) Whoever violates this section is guilty of an 2195  
immobilizing or disabling device violation, a misdemeanor of the 2196  
first degree. 2197

**Sec. 4510.45.** (A) (1) A manufacturer of ignition interlock 2198  
devices that desires for its devices to be certified under 2199  
section 4510.43 of the Revised Code and then to be included on 2200  
the list of certified devices that the department of public 2201  
safety compiles and makes available to courts pursuant to that 2202  
section first shall obtain a license from the department under 2203  
this section. The department, in accordance with Chapter 119. of 2204  
the Revised Code, shall adopt any rules that are necessary to 2205  
implement this licensing requirement. 2206

(2) A manufacturer shall apply to the department for the 2207  
license and shall include all information the department may 2208  
require by rule. Each application, including an application for 2209  
license renewal, shall be accompanied by an application fee of 2210  
one hundred dollars, which the department shall deposit into the 2211  
state treasury to the credit of the indigent drivers alcohol 2212  
treatment fund created by section 4511.191 of the Revised Code. 2213  
Each application also shall be accompanied by a signed 2214  
agreement, in a form established by the director, affirming that 2215  
the manufacturer agrees to install and monitor all devices 2216  
produced by that manufacturer and affirming that the 2217  
manufacturer agrees to charge a reduced fee, established by the 2218  
department, for the installation and monitoring of a device used 2219  
by a person who is deemed to be an indigent offender by the 2220  
court that granted limited or unlimited driving privileges to 2221  
the offender subject to the condition that the offender use a 2222  
certified ignition interlock device. 2223

(3) Upon receipt of a completed application, if the 2224

department finds that a manufacturer has complied with all 2225  
application requirements, the department shall issue a license 2226  
to the manufacturer. A manufacturer that has been issued a 2227  
license under this section is eligible immediately to have the 2228  
models of ignition interlock devices it produces certified under 2229  
section 4510.43 of the Revised Code and then included on the 2230  
list of certified devices that the department compiles and makes 2231  
available to courts pursuant to that section. 2232

(4) (a) A license issued under this section shall expire 2233  
annually on a date selected by the department. The department 2234  
shall reject the license application of a manufacturer if any of 2235  
the following apply: 2236

(i) The application is not accompanied by the application 2237  
fee or the required agreement. 2238

(ii) The department finds that the manufacturer has not 2239  
complied with all application requirements. 2240

(iii) The license application is a renewal application and 2241  
the manufacturer failed to file the annual report or failed to 2242  
pay the fee as required by division (B) of this section. 2243

(iv) The license application is a renewal application and 2244  
the manufacturer failed to monitor or report violations as 2245  
required under section 4510.46 of the Revised Code. 2246

(b) A manufacturer whose license application is rejected 2247  
by the department may appeal the decision to the director of 2248  
public safety. The director or the director's designee shall 2249  
hold a hearing on the matter not more than thirty days from the 2250  
date of the manufacturer's appeal. If the director or the 2251  
director's designee upholds the denial of the manufacturer's 2252  
application for a license, the manufacturer may appeal the 2253

decision to the Franklin county court of common pleas. If the 2254  
director or the director's designee reverses the denial of the 2255  
manufacturer's application for a license, the director or the 2256  
director's designee shall issue a written order directing that 2257  
the department issue a license to the manufacturer. 2258

(B) Every manufacturer of ignition interlock devices that 2259  
is issued a license under this section shall file an annual 2260  
report with the department on a form the department prescribes 2261  
on or before a date the department prescribes. The annual report 2262  
shall state the amount of net profit the manufacturer earned 2263  
during a twelve-month period specified by the department that is 2264  
attributable to the sales of that manufacturer's certified 2265  
ignition interlock devices to purchasers in this state. Each 2266  
manufacturer shall pay a fee equal to five per cent of the 2267  
amount of the net profit described in this division. 2268

The department may permit annual reports to be filed via 2269  
electronic means. 2270

(C) The department shall deposit all fees it receives from 2271  
manufacturers under this section into the state treasury to the 2272  
credit of the indigent drivers alcohol treatment fund created by 2273  
section 4511.191 of the Revised Code. All money so deposited 2274  
into that fund that is paid by the department of mental health 2275  
and addiction services to county indigent drivers alcohol 2276  
treatment funds, county juvenile indigent drivers alcohol 2277  
treatment funds, and municipal indigent drivers alcohol 2278  
treatment funds shall be used only as described in division (H) 2279  
(3) of section 4511.191 of the Revised Code. 2280

(D) (1) The director may make an assessment, based on any 2281  
information in the director's possession, against any 2282  
manufacturer that fails to file an annual report or pay the fee 2283

required by division (B) of this section. The director, in 2284  
accordance with Chapter 119. of the Revised Code, shall adopt 2285  
rules governing assessments and assessment procedures and 2286  
related provisions. In adopting these rules, the director shall 2287  
incorporate the provisions of section 5751.09 of the Revised 2288  
Code to the greatest extent possible, except that the director 2289  
is not required to incorporate any provisions of that section 2290  
that by their nature are not applicable, appropriate, or 2291  
necessary to assessments made by the director under this 2292  
section. 2293

(2) A manufacturer may appeal the final determination of 2294  
the director regarding an assessment made by the director under 2295  
this section. The director, in accordance with Chapter 119. of 2296  
the Revised Code, shall adopt rules governing such appeals. In 2297  
adopting these rules, the director shall incorporate the 2298  
provisions of section 5717.02 of the Revised Code to the 2299  
greatest extent possible, except that the director is not 2300  
required to incorporate any provisions of that section that by 2301  
their nature are not applicable, appropriate, or necessary to 2302  
appeals of assessments made by the director under this section. 2303

(E) The director, in accordance with Chapter 119. of the 2304  
Revised Code, shall adopt a penalty schedule setting forth the 2305  
monetary penalties to be imposed upon a manufacturer that is 2306  
issued a license under this section and fails to file an annual 2307  
report or pay the fee required by division (B) of this section 2308  
in a timely manner. The penalty amounts shall not exceed the 2309  
maximum penalty amounts established in section 5751.06 of the 2310  
Revised Code for similar or equivalent facts or circumstances. 2311

(F) (1) No manufacturer of ignition interlock devices that 2312  
is required by division (B) of this section to file an annual 2313

report with the department or to pay a fee shall fail to do so 2314  
as required by that division. 2315

(2) No manufacturer of ignition interlock devices that is 2316  
required by division (B) of this section to file an annual 2317  
report with the department shall file a report that contains 2318  
incorrect or erroneous information. 2319

(G) Whoever violates division (F) (2) of this section is 2320  
guilty of a misdemeanor of the first degree. The department 2321  
shall remove from the list of certified devices described in 2322  
division (A) (1) of this section the ignition interlock devices 2323  
manufactured by a manufacturer that violates division (F) (1) or 2324  
(2) of this section. 2325

**Sec. 4510.46.** (A) As used in this section: 2326

(1) "Offender" means a person who has been granted limited 2327  
or unlimited driving privileges by a court of this state subject 2328  
to the condition that the person operate only a vehicle with a 2329  
certified ignition interlock device under section 4510.021, 2330  
4510.022, or 4510.13 of the Revised Code. 2331

(2) "Ignition interlock device violation" means that a 2332  
certified ignition interlock device indicates that it has 2333  
prevented an offender from starting a motor vehicle because of 2334  
either of the following: 2335

(a) The device was tampered with or circumvented; 2336

(b) The analysis of the deep-lung breath sample or other 2337  
method employed by the ignition interlock device to measure the 2338  
concentration by weight of alcohol in the offender's breath 2339  
indicated the presence of alcohol in the offender's breath in a 2340  
concentration sufficient to prevent the ignition interlock 2341  
device from permitting the motor vehicle to be started. 2342

~~A governmental agency, bureau, department, or office, or a~~ 2343  
~~private corporation, or any other entity that monitors~~ (B) The 2344  
manufacturer of a certified ignition interlock devices for or on 2345  
behalf of a court device shall monitor each device that is 2346  
produced by that manufacturer and that has been installed in a 2347  
motor vehicle for an offender. The manufacturer also shall 2348  
inform the court and the registrar of motor vehicles, as soon as 2349  
practicable, whenever such a device that has been installed in a 2350  
motor vehicle indicates that it has prevented an offender whose 2351  
driver's or commercial driver's license or permit or nonresident 2352  
operating privilege has been suspended by a court under division 2353  
(G) (1) (a), (b), (c), (d), or (e) of section 4511.19 of the 2354  
Revised Code and who has been granted limited driving privileges 2355  
under section 4510.13 of the Revised Code from starting the 2356  
motor vehicle because the device was tampered with or 2357  
circumvented or because the analysis of the deep lung breath 2358  
sample or other method employed by the ignition interlock device 2359  
to measure the concentration by weight of alcohol in the 2360  
offender's breath indicated the presence of alcohol in the 2361  
offender's breath in a concentration sufficient to prevent the 2362  
ignition interlock device from permitting the motor vehicle to 2363  
be started an ignition interlock device violation has occurred. 2364

~~(B)~~ (C) Upon receipt of ~~such~~ information pertaining to an 2365  
offender ~~whose driver's or commercial driver's license or permit~~ 2366  
~~or nonresident operating privilege has been suspended by a court~~ 2367  
~~under division (G) (1) (b), (c), (d), or (e) of section 4511.19 of~~ 2368  
~~the Revised Code and who has been granted limited driving~~ 2369  
~~privileges under section 4510.13 of the Revised Code~~ under 2370  
division (B) of this section, the court shall send a notice to 2371  
the offender stating ~~that~~ all of the following: 2372

(1) That it has received evidence of an ~~instance described~~ 2373



~~in division (A) of this section. If a court pursuant to division  
(A) (8) of section 4510.13 of the Revised Code requires the  
offender to wear an alcohol monitor, the notice shall state that  
ignition interlock device violation;~~ 2374  
2375  
2376  
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(2) If applicable, that because of this instance-violation 2378  
the offender is required to wear a monitor that provides for 2379  
continuous alcohol monitoring in accordance with division (E) of 2380  
section 4510.022, division (A) (8) of section 4510.13, or 2381  
division (F) of section 4510.17 of the Revised Code. ~~The notice  
shall further state that;~~ 2382  
2383

(3) That because of this instance-violation the court may 2384  
increase the period of suspension of the offender's driver's or 2385  
commercial driver's license or permit or nonresident operating 2386  
privilege from that originally imposed by the court by a factor 2387  
of two and may increase the period of time during which the 2388  
offender will be prohibited from exercising any limited or 2389  
unlimited driving privileges granted to the offender unless the 2390  
vehicles the offender operates are equipped with a certified 2391  
ignition interlock device by a factor of two. 2392

~~The notice shall state whether;~~ 2393

(4) Whether the court will impose these is imposing the 2394  
increases and, if so, that these increases will take effect 2395  
fourteen days from the date of the notice unless the offender 2396  
files a timely motion with the court, appealing the increases in 2397  
the time described in this division and requesting a hearing on 2398  
the matter. under division (C) (3) of this section; 2399

(5) If the violation occurred within sixty days of the end 2400  
of the suspension of the offender's driver's or commercial 2401  
driver's license or permit or nonresident operating privilege 2402

and the court is not imposing an increase in the period of the 2403  
suspension under division (C) (3) of this section, that the court 2404  
is increasing the offender's suspension by sixty days as 2405  
provided in division (E) (5) of section 4510.022, division (A) (8) 2406  
(d) of section 4510.13, or division (F) of section 4510.17 of 2407  
the Revised Code; 2408

(6) That the offender may file an appeal of any increase 2409  
imposed under division (C) (4) or (5) of this section with the 2410  
court within fourteen days of receiving the notice; 2411

(7) That the registrar of motor vehicles is prohibited 2412  
from reinstating the offender's license unless the period of 2413  
suspension has been served and no ignition interlock device 2414  
violations have been committed within the sixty days prior to 2415  
the application for reinstatement. 2416

(D) Any ~~such~~ motion that is filed under division (C) (6) of 2417  
this section within ~~that the~~ fourteen-day period shall be 2418  
considered to be filed in a timely manner, and any such motion 2419  
that is filed after that fourteen-day period shall be considered 2420  
not to be filed in a timely manner. If the offender files a 2421  
timely motion, the court may hold a hearing on the matter. The 2422  
scope of the hearing is limited to determining whether the 2423  
offender in fact was prevented from starting a motor vehicle 2424  
that is equipped with a certified ignition interlock device 2425  
because ~~the device was tampered with or circumvented or because~~ 2426  
~~the analysis of the deep lung breath sample or other method~~ 2427  
~~employed by the ignition interlock device to measure the~~ 2428  
~~concentration by weight of alcohol in the offender's breath~~ 2429  
~~indicated the presence of alcohol in the offender's breath in a~~ 2430  
~~concentration sufficient to prevent the ignition interlock~~ 2431  
~~device from permitting the motor vehicle to be started the~~ 2432

offender committed an ignition interlock device violation. 2433

If the court finds by a preponderance of the evidence that 2434  
~~this instance as indicated by the ignition interlock device in-~~ 2435  
~~fact the violation did occur,~~ it may deny the offender's appeal 2436  
~~and issue the order increasing the relevant periods of time-~~ 2437  
~~described in this division.~~ If the court finds by a 2438  
preponderance of the evidence that ~~this instance as indicated by-~~ 2439  
~~the ignition interlock device in fact the violation~~ did not 2440  
occur, it shall grant the offender's appeal and ~~no such order-~~ 2441  
~~shall be issued~~ shall issue an order terminating the increase of 2442  
the offender's suspension. 2443

~~(C)-(E)~~ (E) In no case shall any period of suspension of an 2444  
offender's driver's or commercial driver's license or permit or 2445  
nonresident operating privilege that is increased by a factor of 2446  
two under division (C) (3) of this section or any period of time 2447  
during which the offender is prohibited from exercising any 2448  
limited driving privileges granted to the offender unless the 2449  
vehicles the offender operates are equipped with a certified 2450  
ignition interlock device that is increased by a factor of two 2451  
under division (C) (3) of this section exceed the maximum period 2452  
of time for which the court originally was authorized to suspend 2453  
the offender's driver's or commercial driver's license or permit 2454  
or nonresident operating privilege under division (G) (1) (a), 2455  
(b), (c), (d), or (e) of section 4511.19 of the Revised Code. 2456  
This division does not apply when a suspension is increased 2457  
under division (C) (5) of this section. 2458

~~(D)-(F)~~ (F) Nothing in this section shall be construed as 2459  
prohibiting the court from revoking an individual's driving 2460  
privileges. 2461

**Sec. 4511.19.** (A) (1) No person shall operate any vehicle, 2462

streetcar, or trackless trolley within this state, if, at the 2463  
time of the operation, any of the following apply: 2464

(a) The person is under the influence of alcohol, a drug 2465  
of abuse, or a combination of them. 2466

(b) The person has a concentration of eight-hundredths of 2467  
one per cent or more but less than seventeen-hundredths of one 2468  
per cent by weight per unit volume of alcohol in the person's 2469  
whole blood. 2470

(c) The person has a concentration of ninety-six- 2471  
thousandths of one per cent or more but less than two hundred 2472  
four-thousandths of one per cent by weight per unit volume of 2473  
alcohol in the person's blood serum or plasma. 2474

(d) The person has a concentration of eight-hundredths of 2475  
one gram or more but less than seventeen-hundredths of one gram 2476  
by weight of alcohol per two hundred ten liters of the person's 2477  
breath. 2478

(e) The person has a concentration of eleven-hundredths of 2479  
one gram or more but less than two hundred thirty-eight- 2480  
thousandths of one gram by weight of alcohol per one hundred 2481  
milliliters of the person's urine. 2482

(f) The person has a concentration of seventeen-hundredths 2483  
of one per cent or more by weight per unit volume of alcohol in 2484  
the person's whole blood. 2485

(g) The person has a concentration of two hundred four- 2486  
thousandths of one per cent or more by weight per unit volume of 2487  
alcohol in the person's blood serum or plasma. 2488

(h) The person has a concentration of seventeen-hundredths 2489  
of one gram or more by weight of alcohol per two hundred ten 2490

liters of the person's breath. 2491

(i) The person has a concentration of two hundred thirty- 2492  
eight-thousandths of one gram or more by weight of alcohol per 2493  
one hundred milliliters of the person's urine. 2494

(j) Except as provided in division (K) of this section, 2495  
the person has a concentration of any of the following 2496  
controlled substances or metabolites of a controlled substance 2497  
in the person's whole blood, blood serum or plasma, or urine 2498  
that equals or exceeds any of the following: 2499

(i) The person has a concentration of amphetamine in the 2500  
person's urine of at least five hundred nanograms of amphetamine 2501  
per milliliter of the person's urine or has a concentration of 2502  
amphetamine in the person's whole blood or blood serum or plasma 2503  
of at least one hundred nanograms of amphetamine per milliliter 2504  
of the person's whole blood or blood serum or plasma. 2505

(ii) The person has a concentration of cocaine in the 2506  
person's urine of at least one hundred fifty nanograms of 2507  
cocaine per milliliter of the person's urine or has a 2508  
concentration of cocaine in the person's whole blood or blood 2509  
serum or plasma of at least fifty nanograms of cocaine per 2510  
milliliter of the person's whole blood or blood serum or plasma. 2511

(iii) The person has a concentration of cocaine metabolite 2512  
in the person's urine of at least one hundred fifty nanograms of 2513  
cocaine metabolite per milliliter of the person's urine or has a 2514  
concentration of cocaine metabolite in the person's whole blood 2515  
or blood serum or plasma of at least fifty nanograms of cocaine 2516  
metabolite per milliliter of the person's whole blood or blood 2517  
serum or plasma. 2518

(iv) The person has a concentration of heroin in the 2519

person's urine of at least two thousand nanograms of heroin per 2520  
milliliter of the person's urine or has a concentration of 2521  
heroin in the person's whole blood or blood serum or plasma of 2522  
at least fifty nanograms of heroin per milliliter of the 2523  
person's whole blood or blood serum or plasma. 2524

(v) The person has a concentration of heroin metabolite 2525  
(6-monoacetyl morphine) in the person's urine of at least ten 2526  
nanograms of heroin metabolite (6-monoacetyl morphine) per 2527  
milliliter of the person's urine or has a concentration of 2528  
heroin metabolite (6-monoacetyl morphine) in the person's whole 2529  
blood or blood serum or plasma of at least ten nanograms of 2530  
heroin metabolite (6-monoacetyl morphine) per milliliter of the 2531  
person's whole blood or blood serum or plasma. 2532

(vi) The person has a concentration of L.S.D. in the 2533  
person's urine of at least twenty-five nanograms of L.S.D. per 2534  
milliliter of the person's urine or a concentration of L.S.D. in 2535  
the person's whole blood or blood serum or plasma of at least 2536  
ten nanograms of L.S.D. per milliliter of the person's whole 2537  
blood or blood serum or plasma. 2538

(vii) The person has a concentration of marihuana in the 2539  
person's urine of at least ten nanograms of marihuana per 2540  
milliliter of the person's urine or has a concentration of 2541  
marihuana in the person's whole blood or blood serum or plasma 2542  
of at least two nanograms of marihuana per milliliter of the 2543  
person's whole blood or blood serum or plasma. 2544

(viii) Either of the following applies: 2545

(I) The person is under the influence of alcohol, a drug 2546  
of abuse, or a combination of them, and, as measured by gas 2547  
chromatography mass spectrometry, the person has a concentration 2548

of marihuana metabolite in the person's urine of at least 2549  
fifteen nanograms of marihuana metabolite per milliliter of the 2550  
person's urine or has a concentration of marihuana metabolite in 2551  
the person's whole blood or blood serum or plasma of at least 2552  
five nanograms of marihuana metabolite per milliliter of the 2553  
person's whole blood or blood serum or plasma. 2554

(II) As measured by gas chromatography mass spectrometry, 2555  
the person has a concentration of marihuana metabolite in the 2556  
person's urine of at least thirty-five nanograms of marihuana 2557  
metabolite per milliliter of the person's urine or has a 2558  
concentration of marihuana metabolite in the person's whole 2559  
blood or blood serum or plasma of at least fifty nanograms of 2560  
marihuana metabolite per milliliter of the person's whole blood 2561  
or blood serum or plasma. 2562

(ix) The person has a concentration of methamphetamine in 2563  
the person's urine of at least five hundred nanograms of 2564  
methamphetamine per milliliter of the person's urine or has a 2565  
concentration of methamphetamine in the person's whole blood or 2566  
blood serum or plasma of at least one hundred nanograms of 2567  
methamphetamine per milliliter of the person's whole blood or 2568  
blood serum or plasma. 2569

(x) The person has a concentration of phencyclidine in the 2570  
person's urine of at least twenty-five nanograms of 2571  
phencyclidine per milliliter of the person's urine or has a 2572  
concentration of phencyclidine in the person's whole blood or 2573  
blood serum or plasma of at least ten nanograms of phencyclidine 2574  
per milliliter of the person's whole blood or blood serum or 2575  
plasma. 2576

(xi) The state board of pharmacy has adopted a rule 2577  
pursuant to section 4729.041 of the Revised Code that specifies 2578

the amount of salvia divinorum and the amount of salvinorin A 2579  
that constitute concentrations of salvia divinorum and 2580  
salvinorin A in a person's urine, in a person's whole blood, or 2581  
in a person's blood serum or plasma at or above which the person 2582  
is impaired for purposes of operating any vehicle, streetcar, or 2583  
trackless trolley within this state, the rule is in effect, and 2584  
the person has a concentration of salvia divinorum or salvinorin 2585  
A of at least that amount so specified by rule in the person's 2586  
urine, in the person's whole blood, or in the person's blood 2587  
serum or plasma. 2588

(2) No person who, within twenty years of the conduct 2589  
described in division (A) (2) (a) of this section, previously has 2590  
been convicted of or pleaded guilty to a violation of this 2591  
division, a violation of division (A) (1) or (B) of this section, 2592  
or any other equivalent offense shall do both of the following: 2593

(a) Operate any vehicle, streetcar, or trackless trolley 2594  
within this state while under the influence of alcohol, a drug 2595  
of abuse, or a combination of them; 2596

(b) Subsequent to being arrested for operating the 2597  
vehicle, streetcar, or trackless trolley as described in 2598  
division (A) (2) (a) of this section, being asked by a law 2599  
enforcement officer to submit to a chemical test or tests under 2600  
section 4511.191 of the Revised Code, and being advised by the 2601  
officer in accordance with section 4511.192 of the Revised Code 2602  
of the consequences of the person's refusal or submission to the 2603  
test or tests, refuse to submit to the test or tests. 2604

(B) No person under twenty-one years of age shall operate 2605  
any vehicle, streetcar, or trackless trolley within this state, 2606  
if, at the time of the operation, any of the following apply: 2607



(1) The person has a concentration of at least two- 2608  
hundredths of one per cent but less than eight-hundredths of one 2609  
per cent by weight per unit volume of alcohol in the person's 2610  
whole blood. 2611

(2) The person has a concentration of at least three- 2612  
hundredths of one per cent but less than ninety-six-thousandths 2613  
of one per cent by weight per unit volume of alcohol in the 2614  
person's blood serum or plasma. 2615

(3) The person has a concentration of at least two- 2616  
hundredths of one gram but less than eight-hundredths of one 2617  
gram by weight of alcohol per two hundred ten liters of the 2618  
person's breath. 2619

(4) The person has a concentration of at least twenty- 2620  
eight one-thousandths of one gram but less than eleven- 2621  
hundredths of one gram by weight of alcohol per one hundred 2622  
milliliters of the person's urine. 2623

(C) In any proceeding arising out of one incident, a 2624  
person may be charged with a violation of division (A) (1) (a) or 2625  
(A) (2) and a violation of division (B) (1), (2), or (3) of this 2626  
section, but the person may not be convicted of more than one 2627  
violation of these divisions. 2628

(D) (1) (a) In any criminal prosecution or juvenile court 2629  
proceeding for a violation of division (A) (1) (a) of this section 2630  
or for an equivalent offense that is vehicle-related, the result 2631  
of any test of any blood or urine withdrawn and analyzed at any 2632  
health care provider, as defined in section 2317.02 of the 2633  
Revised Code, may be admitted with expert testimony to be 2634  
considered with any other relevant and competent evidence in 2635  
determining the guilt or innocence of the defendant. 2636

(b) In any criminal prosecution or juvenile court proceeding for a violation of division (A) or (B) of this section or for an equivalent offense that is vehicle-related, the court may admit evidence on the concentration of alcohol, drugs of abuse, controlled substances, metabolites of a controlled substance, or a combination of them in the defendant's whole blood, blood serum or plasma, breath, urine, or other bodily substance at the time of the alleged violation as shown by chemical analysis of the substance withdrawn within three hours of the time of the alleged violation. The three-hour time limit specified in this division regarding the admission of evidence does not extend or affect the two-hour time limit specified in division (A) of section 4511.192 of the Revised Code as the maximum period of time during which a person may consent to a chemical test or tests as described in that section. The court may admit evidence on the concentration of alcohol, drugs of abuse, or a combination of them as described in this division when a person submits to a blood, breath, urine, or other bodily substance test at the request of a law enforcement officer under section 4511.191 of the Revised Code or a blood or urine sample is obtained pursuant to a search warrant. Only a physician, a registered nurse, an emergency medical technician-intermediate, an emergency medical technician-paramedic, or a qualified technician, chemist, or phlebotomist shall withdraw a blood sample for the purpose of determining the alcohol, drug, controlled substance, metabolite of a controlled substance, or combination content of the whole blood, blood serum, or blood plasma. This limitation does not apply to the taking of breath or urine specimens. A person authorized to withdraw blood under this division may refuse to withdraw blood under this division, if in that person's opinion, the physical welfare of the person would be endangered by the

withdrawing of blood. 2669

The bodily substance withdrawn under division (D) (1) (b) of 2670  
this section shall be analyzed in accordance with methods 2671  
approved by the director of health by an individual possessing a 2672  
valid permit issued by the director pursuant to section 3701.143 2673  
of the Revised Code. 2674

(c) As used in division (D) (1) (b) of this section, 2675  
"emergency medical technician-intermediate" and "emergency 2676  
medical technician-paramedic" have the same meanings as in 2677  
section 4765.01 of the Revised Code. 2678

(2) In a criminal prosecution or juvenile court proceeding 2679  
for a violation of division (A) of this section or for an 2680  
equivalent offense that is vehicle-related, if there was at the 2681  
time the bodily substance was withdrawn a concentration of less 2682  
than the applicable concentration of alcohol specified in 2683  
divisions (A) (1) (b), (c), (d), and (e) of this section or less 2684  
than the applicable concentration of a listed controlled 2685  
substance or a listed metabolite of a controlled substance 2686  
specified for a violation of division (A) (1) (j) of this section, 2687  
that fact may be considered with other competent evidence in 2688  
determining the guilt or innocence of the defendant. This 2689  
division does not limit or affect a criminal prosecution or 2690  
juvenile court proceeding for a violation of division (B) of 2691  
this section or for an equivalent offense that is substantially 2692  
equivalent to that division. 2693

(3) Upon the request of the person who was tested, the 2694  
results of the chemical test shall be made available to the 2695  
person or the person's attorney, immediately upon the completion 2696  
of the chemical test analysis. 2697

If the chemical test was obtained pursuant to division (D) 2698  
(1) (b) of this section, the person tested may have a physician, 2699  
a registered nurse, or a qualified technician, chemist, or 2700  
phlebotomist of the person's own choosing administer a chemical 2701  
test or tests, at the person's expense, in addition to any 2702  
administered at the request of a law enforcement officer. If the 2703  
person was under arrest as described in division (A) (5) of 2704  
section 4511.191 of the Revised Code, the arresting officer 2705  
shall advise the person at the time of the arrest that the 2706  
person may have an independent chemical test taken at the 2707  
person's own expense. If the person was under arrest other than 2708  
described in division (A) (5) of section 4511.191 of the Revised 2709  
Code, the form to be read to the person to be tested, as 2710  
required under section 4511.192 of the Revised Code, shall state 2711  
that the person may have an independent test performed at the 2712  
person's expense. The failure or inability to obtain an 2713  
additional chemical test by a person shall not preclude the 2714  
admission of evidence relating to the chemical test or tests 2715  
taken at the request of a law enforcement officer. 2716

(4) (a) As used in divisions (D) (4) (b) and (c) of this 2717  
section, "national highway traffic safety administration" means 2718  
the national highway traffic safety administration established 2719  
as an administration of the United States department of 2720  
transportation under 96 Stat. 2415 (1983), 49 U.S.C.A. 105. 2721

(b) In any criminal prosecution or juvenile court 2722  
proceeding for a violation of division (A) or (B) of this 2723  
section, of a municipal ordinance relating to operating a 2724  
vehicle while under the influence of alcohol, a drug of abuse, 2725  
or alcohol and a drug of abuse, or of a municipal ordinance 2726  
relating to operating a vehicle with a prohibited concentration 2727  
of alcohol, a controlled substance, or a metabolite of a 2728

controlled substance in the whole blood, blood serum or plasma, 2729  
breath, or urine, if a law enforcement officer has administered 2730  
a field sobriety test to the operator of the vehicle involved in 2731  
the violation and if it is shown by clear and convincing 2732  
evidence that the officer administered the test in substantial 2733  
compliance with the testing standards for any reliable, 2734  
credible, and generally accepted field sobriety tests that were 2735  
in effect at the time the tests were administered, including, 2736  
but not limited to, any testing standards then in effect that 2737  
were set by the national highway traffic safety administration, 2738  
all of the following apply: 2739

(i) The officer may testify concerning the results of the 2740  
field sobriety test so administered. 2741

(ii) The prosecution may introduce the results of the 2742  
field sobriety test so administered as evidence in any 2743  
proceedings in the criminal prosecution or juvenile court 2744  
proceeding. 2745

(iii) If testimony is presented or evidence is introduced 2746  
under division (D) (4) (b) (i) or (ii) of this section and if the 2747  
testimony or evidence is admissible under the Rules of Evidence, 2748  
the court shall admit the testimony or evidence and the trier of 2749  
fact shall give it whatever weight the trier of fact considers 2750  
to be appropriate. 2751

(c) Division (D) (4) (b) of this section does not limit or 2752  
preclude a court, in its determination of whether the arrest of 2753  
a person was supported by probable cause or its determination of 2754  
any other matter in a criminal prosecution or juvenile court 2755  
proceeding of a type described in that division, from 2756  
considering evidence or testimony that is not otherwise 2757  
disallowed by division (D) (4) (b) of this section. 2758

(E) (1) Subject to division (E) (3) of this section, in any 2759  
criminal prosecution or juvenile court proceeding for a 2760  
violation of division (A) (1) (b), (c), (d), (e), (f), (g), (h), 2761  
(i), or (j) or (B) (1), (2), (3), or (4) of this section or for 2762  
an equivalent offense that is substantially equivalent to any of 2763  
those divisions, a laboratory report from any laboratory 2764  
personnel issued a permit by the department of health 2765  
authorizing an analysis as described in this division that 2766  
contains an analysis of the whole blood, blood serum or plasma, 2767  
breath, urine, or other bodily substance tested and that 2768  
contains all of the information specified in this division shall 2769  
be admitted as prima-facie evidence of the information and 2770  
statements that the report contains. The laboratory report shall 2771  
contain all of the following: 2772

(a) The signature, under oath, of any person who performed 2773  
the analysis; 2774

(b) Any findings as to the identity and quantity of 2775  
alcohol, a drug of abuse, a controlled substance, a metabolite 2776  
of a controlled substance, or a combination of them that was 2777  
found; 2778

(c) A copy of a notarized statement by the laboratory 2779  
director or a designee of the director that contains the name of 2780  
each certified analyst or test performer involved with the 2781  
report, the analyst's or test performer's employment 2782  
relationship with the laboratory that issued the report, and a 2783  
notation that performing an analysis of the type involved is 2784  
part of the analyst's or test performer's regular duties; 2785

(d) An outline of the analyst's or test performer's 2786  
education, training, and experience in performing the type of 2787  
analysis involved and a certification that the laboratory 2788

satisfies appropriate quality control standards in general and, 2789  
in this particular analysis, under rules of the department of 2790  
health. 2791

(2) Notwithstanding any other provision of law regarding 2792  
the admission of evidence, a report of the type described in 2793  
division (E) (1) of this section is not admissible against the 2794  
defendant to whom it pertains in any proceeding, other than a 2795  
preliminary hearing or a grand jury proceeding, unless the 2796  
prosecutor has served a copy of the report on the defendant's 2797  
attorney or, if the defendant has no attorney, on the defendant. 2798

(3) A report of the type described in division (E) (1) of 2799  
this section shall not be prima-facie evidence of the contents, 2800  
identity, or amount of any substance if, within seven days after 2801  
the defendant to whom the report pertains or the defendant's 2802  
attorney receives a copy of the report, the defendant or the 2803  
defendant's attorney demands the testimony of the person who 2804  
signed the report. The judge in the case may extend the seven- 2805  
day time limit in the interest of justice. 2806

(F) Except as otherwise provided in this division, any 2807  
physician, registered nurse, emergency medical technician- 2808  
intermediate, emergency medical technician-paramedic, or 2809  
qualified technician, chemist, or phlebotomist who withdraws 2810  
blood from a person pursuant to this section or section 4511.191 2811  
or 4511.192 of the Revised Code, and any hospital, first-aid 2812  
station, or clinic at which blood is withdrawn from a person 2813  
pursuant to this section or section 4511.191 or 4511.192 of the 2814  
Revised Code, is immune from criminal liability and civil 2815  
liability based upon a claim of assault and battery or any other 2816  
claim that is not a claim of malpractice, for any act performed 2817  
in withdrawing blood from the person. The immunity provided in 2818

this division also extends to an emergency medical service 2819  
organization that employs an emergency medical technician- 2820  
intermediate or emergency medical technician-paramedic who 2821  
withdraws blood under this section. The immunity provided in 2822  
this division is not available to a person who withdraws blood 2823  
if the person engages in willful or wanton misconduct. 2824

As used in this division, "emergency medical technician- 2825  
intermediate" and "emergency medical technician-paramedic" have 2826  
the same meanings as in section 4765.01 of the Revised Code. 2827

(G) (1) Whoever violates any provision of divisions (A) (1) 2828  
(a) to (i) or (A) (2) of this section is guilty of operating a 2829  
vehicle under the influence of alcohol, a drug of abuse, or a 2830  
combination of them. Whoever violates division (A) (1) (j) of this 2831  
section is guilty of operating a vehicle while under the 2832  
influence of a listed controlled substance or a listed 2833  
metabolite of a controlled substance. The court shall sentence 2834  
the offender for either offense under Chapter 2929. of the 2835  
Revised Code, except as otherwise authorized or required by 2836  
divisions (G) (1) (a) to (e) of this section: 2837

(a) Except as otherwise provided in division (G) (1) (b), 2838  
(c), (d), or (e) of this section, the offender is guilty of a 2839  
misdemeanor of the first degree, and the court shall sentence 2840  
the offender to all of the following: 2841

(i) If the sentence is being imposed for a violation of 2842  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 2843  
a mandatory jail term of three consecutive days. As used in this 2844  
division, three consecutive days means seventy-two consecutive 2845  
hours. The court may sentence an offender to both an 2846  
intervention program and a jail term. The court may impose a 2847  
jail term in addition to the three-day mandatory jail term or 2848



intervention program. However, in no case shall the cumulative 2849  
jail term imposed for the offense exceed six months. 2850

The court may suspend the execution of the three-day jail 2851  
term under this division if the court, in lieu of that suspended 2852  
term, places the offender under a community control sanction 2853  
pursuant to section 2929.25 of the Revised Code and requires the 2854  
offender to attend, for three consecutive days, a drivers' 2855  
intervention program certified under section 5119.38 of the 2856  
Revised Code. The court also may suspend the execution of any 2857  
part of the three-day jail term under this division if it places 2858  
the offender under a community control sanction pursuant to 2859  
section 2929.25 of the Revised Code for part of the three days, 2860  
requires the offender to attend for the suspended part of the 2861  
term a drivers' intervention program so certified, and sentences 2862  
the offender to a jail term equal to the remainder of the three 2863  
consecutive days that the offender does not spend attending the 2864  
program. The court may require the offender, as a condition of 2865  
community control and in addition to the required attendance at 2866  
a drivers' intervention program, to attend and satisfactorily 2867  
complete any treatment or education programs that comply with 2868  
the minimum standards adopted pursuant to Chapter 5119. of the 2869  
Revised Code by the director of mental health and addiction 2870  
services that the operators of the drivers' intervention program 2871  
determine that the offender should attend and to report 2872  
periodically to the court on the offender's progress in the 2873  
programs. The court also may impose on the offender any other 2874  
conditions of community control that it considers necessary. 2875

(ii) If the sentence is being imposed for a violation of 2876  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2877  
section, except as otherwise provided in this division, a 2878  
mandatory jail term of at least three consecutive days and a 2879

requirement that the offender attend, for three consecutive 2880  
days, a drivers' intervention program that is certified pursuant 2881  
to section 5119.38 of the Revised Code. As used in this 2882  
division, three consecutive days means seventy-two consecutive 2883  
hours. If the court determines that the offender is not 2884  
conducive to treatment in a drivers' intervention program, if 2885  
the offender refuses to attend a drivers' intervention program, 2886  
or if the jail at which the offender is to serve the jail term 2887  
imposed can provide a driver's intervention program, the court 2888  
shall sentence the offender to a mandatory jail term of at least 2889  
six consecutive days. 2890

The court may require the offender, under a community 2891  
control sanction imposed under section 2929.25 of the Revised 2892  
Code, to attend and satisfactorily complete any treatment or 2893  
education programs that comply with the minimum standards 2894  
adopted pursuant to Chapter 5119. of the Revised Code by the 2895  
director of mental health and addiction services, in addition to 2896  
the required attendance at drivers' intervention program, that 2897  
the operators of the drivers' intervention program determine 2898  
that the offender should attend and to report periodically to 2899  
the court on the offender's progress in the programs. The court 2900  
also may impose any other conditions of community control on the 2901  
offender that it considers necessary. 2902

(iii) In all cases, a fine of not less than three hundred 2903  
seventy-five and not more than one thousand seventy-five 2904  
dollars; 2905

(iv) In all cases, a ~~class five license~~ suspension of the 2906  
offender's driver's or commercial driver's license or permit or 2907  
nonresident operating privilege ~~from the range specified in~~ 2908  
~~division (A) (5) of section 4510.02 of the Revised Code~~ for a 2909

definite period of one to five years. The court may grant 2910  
limited driving privileges relative to the suspension under 2911  
sections 4510.021 and 4510.13 of the Revised Code or unlimited 2912  
driving privileges with an ignition interlock device under 2913  
section 4510.022 of the Revised Code. 2914

(b) Except as otherwise provided in division (G)(1)(e) of 2915  
this section, an offender who, within ~~six-ten~~ years of the 2916  
offense, previously has been convicted of or pleaded guilty to 2917  
one violation of division (A) or (B) of this section or one 2918  
other equivalent offense is guilty of a misdemeanor of the first 2919  
degree. The court shall sentence the offender to all of the 2920  
following: 2921

(i) If the sentence is being imposed for a violation of 2922  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 2923  
a mandatory jail term of ten consecutive days. The court shall 2924  
impose the ten-day mandatory jail term under this division 2925  
unless, subject to division (G)(3) of this section, it instead 2926  
imposes a sentence under that division consisting of both a jail 2927  
term and a term of house arrest with electronic monitoring, with 2928  
continuous alcohol monitoring, or with both electronic 2929  
monitoring and continuous alcohol monitoring. The court may 2930  
impose a jail term in addition to the ten-day mandatory jail 2931  
term. The cumulative jail term imposed for the offense shall not 2932  
exceed six months. 2933

In addition to the jail term or the term of house arrest 2934  
with electronic monitoring or continuous alcohol monitoring or 2935  
both types of monitoring and jail term, the court shall require 2936  
the offender to be assessed by a community addiction services 2937  
provider that is authorized by section 5119.21 of the Revised 2938  
Code, subject to division (I) of this section, and shall order 2939

the offender to follow the treatment recommendations of the 2940  
services provider. The purpose of the assessment is to determine 2941  
the degree of the offender's alcohol usage and to determine 2942  
whether or not treatment is warranted. Upon the request of the 2943  
court, the services provider shall submit the results of the 2944  
assessment to the court, including all treatment recommendations 2945  
and clinical diagnoses related to alcohol use. 2946

(ii) If the sentence is being imposed for a violation of 2947  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 2948  
section, except as otherwise provided in this division, a 2949  
mandatory jail term of twenty consecutive days. The court shall 2950  
impose the twenty-day mandatory jail term under this division 2951  
unless, subject to division (G)(3) of this section, it instead 2952  
imposes a sentence under that division consisting of both a jail 2953  
term and a term of house arrest with electronic monitoring, with 2954  
continuous alcohol monitoring, or with both electronic 2955  
monitoring and continuous alcohol monitoring. The court may 2956  
impose a jail term in addition to the twenty-day mandatory jail 2957  
term. The cumulative jail term imposed for the offense shall not 2958  
exceed six months. 2959

In addition to the jail term or the term of house arrest 2960  
with electronic monitoring or continuous alcohol monitoring or 2961  
both types of monitoring and jail term, the court shall require 2962  
the offender to be assessed by a community addiction service 2963  
provider that is authorized by section 5119.21 of the Revised 2964  
Code, subject to division (I) of this section, and shall order 2965  
the offender to follow the treatment recommendations of the 2966  
services provider. The purpose of the assessment is to determine 2967  
the degree of the offender's alcohol usage and to determine 2968  
whether or not treatment is warranted. Upon the request of the 2969  
court, the services provider shall submit the results of the 2970

assessment to the court, including all treatment recommendations 2971  
and clinical diagnoses related to alcohol use. 2972

(iii) In all cases, notwithstanding the fines set forth in 2973  
Chapter 2929. of the Revised Code, a fine of not less than five 2974  
hundred twenty-five and not more than one thousand six hundred 2975  
twenty-five dollars; 2976

(iv) In all cases, a ~~class four license~~ suspension of the 2977  
offender's driver's license, commercial driver's license, 2978  
temporary instruction permit, probationary license, or 2979  
nonresident operating privilege ~~from the range specified in~~ 2980  
~~division (A) (4) of section 4510.02 of the Revised Code~~ for a 2981  
definite period of one to seven years. The court may grant 2982  
limited driving privileges relative to the suspension under 2983  
sections 4510.021 and 4510.13 of the Revised Code. 2984

(v) In all cases, if the vehicle is registered in the 2985  
offender's name, immobilization of the vehicle involved in the 2986  
offense for ninety days in accordance with section 4503.233 of 2987  
the Revised Code and impoundment of the license plates of that 2988  
vehicle for ninety days. 2989

(c) Except as otherwise provided in division (G) (1) (e) of 2990  
this section, an offender who, within ~~six~~ ten years of the 2991  
offense, previously has been convicted of or pleaded guilty to 2992  
two violations of division (A) or (B) of this section or other 2993  
equivalent offenses is guilty of a misdemeanor. The court shall 2994  
sentence the offender to all of the following: 2995

(i) If the sentence is being imposed for a violation of 2996  
division (A) (1) (a), (b), (c), (d), (e), or (j) of this section, 2997  
a mandatory jail term of thirty consecutive days. The court 2998  
shall impose the thirty-day mandatory jail term under this 2999

division unless, subject to division (G) (3) of this section, it 3000  
instead imposes a sentence under that division consisting of 3001  
both a jail term and a term of house arrest with electronic 3002  
monitoring, with continuous alcohol monitoring, or with both 3003  
electronic monitoring and continuous alcohol monitoring. The 3004  
court may impose a jail term in addition to the thirty-day 3005  
mandatory jail term. Notwithstanding the jail terms set forth in 3006  
sections 2929.21 to 2929.28 of the Revised Code, the additional 3007  
jail term shall not exceed one year, and the cumulative jail 3008  
term imposed for the offense shall not exceed one year. 3009

(ii) If the sentence is being imposed for a violation of 3010  
division (A) (1) (f), (g), (h), or (i) or division (A) (2) of this 3011  
section, a mandatory jail term of sixty consecutive days. The 3012  
court shall impose the sixty-day mandatory jail term under this 3013  
division unless, subject to division (G) (3) of this section, it 3014  
instead imposes a sentence under that division consisting of 3015  
both a jail term and a term of house arrest with electronic 3016  
monitoring, with continuous alcohol monitoring, or with both 3017  
electronic monitoring and continuous alcohol monitoring. The 3018  
court may impose a jail term in addition to the sixty-day 3019  
mandatory jail term. Notwithstanding the jail terms set forth in 3020  
sections 2929.21 to 2929.28 of the Revised Code, the additional 3021  
jail term shall not exceed one year, and the cumulative jail 3022  
term imposed for the offense shall not exceed one year. 3023

(iii) In all cases, notwithstanding the fines set forth in 3024  
Chapter 2929. of the Revised Code, a fine of not less than eight 3025  
hundred fifty and not more than two thousand seven hundred fifty 3026  
dollars; 3027

(iv) In all cases, a ~~class three license~~ suspension of the 3028  
offender's driver's license, commercial driver's license, 3029

temporary instruction permit, probationary license, or 3030  
nonresident operating privilege ~~from the range specified in~~ 3031  
~~division (A) (3) of section 4510.02 of the Revised Code~~for a 3032  
definite period of two to twelve years. The court may grant 3033  
limited driving privileges relative to the suspension under 3034  
sections 4510.021 and 4510.13 of the Revised Code. 3035

(v) In all cases, if the vehicle is registered in the 3036  
offender's name, criminal forfeiture of the vehicle involved in 3037  
the offense in accordance with section 4503.234 of the Revised 3038  
Code. Division (G) (6) of this section applies regarding any 3039  
vehicle that is subject to an order of criminal forfeiture under 3040  
this division. 3041

(vi) In all cases, the court shall order the offender to 3042  
participate with a community addiction services provider 3043  
authorized by section 5119.21 of the Revised Code, subject to 3044  
division (I) of this section, and shall order the offender to 3045  
follow the treatment recommendations of the services provider. 3046  
The operator of the services provider shall determine and assess 3047  
the degree of the offender's alcohol dependency and shall make 3048  
recommendations for treatment. Upon the request of the court, 3049  
the services provider shall submit the results of the assessment 3050  
to the court, including all treatment recommendations and 3051  
clinical diagnoses related to alcohol use. 3052

(d) Except as otherwise provided in division (G) (1) (e) of 3053  
this section, an offender who, within ~~six~~ten years of the 3054  
offense, previously has been convicted of or pleaded guilty to 3055  
three or four violations of division (A) or (B) of this section 3056  
or other equivalent offenses or an offender who, within twenty 3057  
years of the offense, previously has been convicted of or 3058  
pleaded guilty to five or more violations of that nature is 3059

guilty of a felony of the fourth degree. The court shall 3060  
sentence the offender to all of the following: 3061

(i) If the sentence is being imposed for a violation of 3062  
division (A)(1)(a), (b), (c), (d), (e), or (j) of this section, 3063  
a mandatory prison term of one, two, three, four, or five years 3064  
as required by and in accordance with division (G)(2) of section 3065  
2929.13 of the Revised Code if the offender also is convicted of 3066  
or also pleads guilty to a specification of the type described 3067  
in section 2941.1413 of the Revised Code or, in the discretion 3068  
of the court, either a mandatory term of local incarceration of 3069  
sixty consecutive days in accordance with division (G)(1) of 3070  
section 2929.13 of the Revised Code or a mandatory prison term 3071  
of sixty consecutive days in accordance with division (G)(2) of 3072  
that section if the offender is not convicted of and does not 3073  
plead guilty to a specification of that type. If the court 3074  
imposes a mandatory term of local incarceration, it may impose a 3075  
jail term in addition to the sixty-day mandatory term, the 3076  
cumulative total of the mandatory term and the jail term for the 3077  
offense shall not exceed one year, and, except as provided in 3078  
division (A)(1) of section 2929.13 of the Revised Code, no 3079  
prison term is authorized for the offense. If the court imposes 3080  
a mandatory prison term, notwithstanding division (A)(4) of 3081  
section 2929.14 of the Revised Code, it also may sentence the 3082  
offender to a definite prison term that shall be not less than 3083  
six months and not more than thirty months and the prison terms 3084  
shall be imposed as described in division (G)(2) of section 3085  
2929.13 of the Revised Code. If the court imposes a mandatory 3086  
prison term or mandatory prison term and additional prison term, 3087  
in addition to the term or terms so imposed, the court also may 3088  
sentence the offender to a community control sanction for the 3089  
offense, but the offender shall serve all of the prison terms so 3090



imposed prior to serving the community control sanction. 3091

(ii) If the sentence is being imposed for a violation of 3092  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3093  
section, a mandatory prison term of one, two, three, four, or 3094  
five years as required by and in accordance with division (G)(2) 3095  
of section 2929.13 of the Revised Code if the offender also is 3096  
convicted of or also pleads guilty to a specification of the 3097  
type described in section 2941.1413 of the Revised Code or, in 3098  
the discretion of the court, either a mandatory term of local 3099  
incarceration of one hundred twenty consecutive days in 3100  
accordance with division (G)(1) of section 2929.13 of the 3101  
Revised Code or a mandatory prison term of one hundred twenty 3102  
consecutive days in accordance with division (G)(2) of that 3103  
section if the offender is not convicted of and does not plead 3104  
guilty to a specification of that type. If the court imposes a 3105  
mandatory term of local incarceration, it may impose a jail term 3106  
in addition to the one hundred twenty-day mandatory term, the 3107  
cumulative total of the mandatory term and the jail term for the 3108  
offense shall not exceed one year, and, except as provided in 3109  
division (A)(1) of section 2929.13 of the Revised Code, no 3110  
prison term is authorized for the offense. If the court imposes 3111  
a mandatory prison term, notwithstanding division (A)(4) of 3112  
section 2929.14 of the Revised Code, it also may sentence the 3113  
offender to a definite prison term that shall be not less than 3114  
six months and not more than thirty months and the prison terms 3115  
shall be imposed as described in division (G)(2) of section 3116  
2929.13 of the Revised Code. If the court imposes a mandatory 3117  
prison term or mandatory prison term and additional prison term, 3118  
in addition to the term or terms so imposed, the court also may 3119  
sentence the offender to a community control sanction for the 3120  
offense, but the offender shall serve all of the prison terms so 3121

imposed prior to serving the community control sanction. 3122

(iii) In all cases, notwithstanding section 2929.18 of the 3123  
Revised Code, a fine of not less than one thousand three hundred 3124  
fifty nor more than ten thousand five hundred dollars; 3125

(iv) In all cases, a class two license suspension of the 3126  
offender's driver's license, commercial driver's license, 3127  
temporary instruction permit, probationary license, or 3128  
nonresident operating privilege from the range specified in 3129  
division (A)(2) of section 4510.02 of the Revised Code. The 3130  
court may grant limited driving privileges relative to the 3131  
suspension under sections 4510.021 and 4510.13 of the Revised 3132  
Code. 3133

(v) In all cases, if the vehicle is registered in the 3134  
offender's name, criminal forfeiture of the vehicle involved in 3135  
the offense in accordance with section 4503.234 of the Revised 3136  
Code. Division (G)(6) of this section applies regarding any 3137  
vehicle that is subject to an order of criminal forfeiture under 3138  
this division. 3139

(vi) In all cases, the court shall order the offender to 3140  
participate with a community addiction services provider 3141  
authorized by section 5119.21 of the Revised Code, subject to 3142  
division (I) of this section, and shall order the offender to 3143  
follow the treatment recommendations of the services provider. 3144  
The operator of the services provider shall determine and assess 3145  
the degree of the offender's alcohol dependency and shall make 3146  
recommendations for treatment. Upon the request of the court, 3147  
the services provider shall submit the results of the assessment 3148  
to the court, including all treatment recommendations and 3149  
clinical diagnoses related to alcohol use. 3150

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

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

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

(ii) If the sentence is being imposed for a violation of 3182  
division (A)(1)(f), (g), (h), or (i) or division (A)(2) of this 3183  
section, a mandatory prison term of one, two, three, four, or 3184  
five years as required by and in accordance with division (G)(2) 3185  
of section 2929.13 of the Revised Code if the offender also is 3186  
convicted of or also pleads guilty to a specification of the 3187  
type described in section 2941.1413 of the Revised Code or a 3188  
mandatory prison term of one hundred twenty consecutive days in 3189  
accordance with division (G)(2) of section 2929.13 of the 3190  
Revised Code if the offender is not convicted of and does not 3191  
plead guilty to a specification of that type. The court may 3192  
impose a prison term in addition to the mandatory prison term. 3193  
The cumulative total of a one hundred twenty-day mandatory 3194  
prison term and the additional prison term for the offense shall 3195  
not exceed five years. In addition to the mandatory prison term 3196  
or mandatory prison term and additional prison term the court 3197  
imposes, the court also may sentence the offender to a community 3198  
control sanction for the offense, but the offender shall serve 3199  
all of the prison terms so imposed prior to serving the 3200  
community control sanction. 3201

(iii) In all cases, notwithstanding section 2929.18 of the 3202  
Revised Code, a fine of not less than one thousand three hundred 3203  
fifty nor more than ten thousand five hundred dollars; 3204

(iv) In all cases, a class two license suspension of the 3205  
offender's driver's license, commercial driver's license, 3206  
temporary instruction permit, probationary license, or 3207  
nonresident operating privilege from the range specified in 3208  
division (A)(2) of section 4510.02 of the Revised Code. The 3209  
court may grant limited driving privileges relative to the 3210  
suspension under sections 4510.021 and 4510.13 of the Revised 3211  
Code. 3212

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

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

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

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

begin serving that term within the sixty-day period following 3243  
the date of sentencing, the court may impose an alternative 3244  
sentence under this division that includes a term of house 3245  
arrest with electronic monitoring, with continuous alcohol 3246  
monitoring, or with both electronic monitoring and continuous 3247  
alcohol monitoring. 3248

As an alternative to a mandatory jail term of ten 3249  
consecutive days required by division (G) (1) (b) (i) of this 3250  
section, the court, under this division, may sentence the 3251  
offender to five consecutive days in jail and not less than 3252  
eighteen consecutive days of house arrest with electronic 3253  
monitoring, with continuous alcohol monitoring, or with both 3254  
electronic monitoring and continuous alcohol monitoring. The 3255  
cumulative total of the five consecutive days in jail and the 3256  
period of house arrest with electronic monitoring, continuous 3257  
alcohol monitoring, or both types of monitoring shall not exceed 3258  
six months. The five consecutive days in jail do not have to be 3259  
served prior to or consecutively to the period of house arrest. 3260

As an alternative to the mandatory jail term of twenty 3261  
consecutive days required by division (G) (1) (b) (ii) of this 3262  
section, the court, under this division, may sentence the 3263  
offender to ten consecutive days in jail and not less than 3264  
thirty-six consecutive days of house arrest with electronic 3265  
monitoring, with continuous alcohol monitoring, or with both 3266  
electronic monitoring and continuous alcohol monitoring. The 3267  
cumulative total of the ten consecutive days in jail and the 3268  
period of house arrest with electronic monitoring, continuous 3269  
alcohol monitoring, or both types of monitoring shall not exceed 3270  
six months. The ten consecutive days in jail do not have to be 3271  
served prior to or consecutively to the period of house arrest. 3272

As an alternative to a mandatory jail term of thirty 3273  
consecutive days required by division (G)(1)(c)(i) of this 3274  
section, the court, under this division, may sentence the 3275  
offender to fifteen consecutive days in jail and not less than 3276  
fifty-five consecutive days of house arrest with electronic 3277  
monitoring, with continuous alcohol monitoring, or with both 3278  
electronic monitoring and continuous alcohol monitoring. The 3279  
cumulative total of the fifteen consecutive days in jail and the 3280  
period of house arrest with electronic monitoring, continuous 3281  
alcohol monitoring, or both types of monitoring shall not exceed 3282  
one year. The fifteen consecutive days in jail do not have to be 3283  
served prior to or consecutively to the period of house arrest. 3284

As an alternative to the mandatory jail term of sixty 3285  
consecutive days required by division (G)(1)(c)(ii) of this 3286  
section, the court, under this division, may sentence the 3287  
offender to thirty consecutive days in jail and not less than 3288  
one hundred ten consecutive days of house arrest with electronic 3289  
monitoring, with continuous alcohol monitoring, or with both 3290  
electronic monitoring and continuous alcohol monitoring. The 3291  
cumulative total of the thirty consecutive days in jail and the 3292  
period of house arrest with electronic monitoring, continuous 3293  
alcohol monitoring, or both types of monitoring shall not exceed 3294  
one year. The thirty consecutive days in jail do not have to be 3295  
served prior to or consecutively to the period of house arrest. 3296

(4) If an offender's driver's or occupational driver's 3297  
license or permit or nonresident operating privilege is 3298  
suspended under division (G) of this section and if section 3299  
4510.13 of the Revised Code permits the court to grant limited 3300  
driving privileges, the court may grant the limited driving 3301  
privileges in accordance with that section. If division (A)(7) 3302  
of that section requires that the court impose as a condition of 3303

the privileges that the offender must display on the vehicle 3304  
that is driven subject to the privileges restricted license 3305  
plates that are issued under section 4503.231 of the Revised 3306  
Code, except as provided in division (B) of that section, the 3307  
court shall impose that condition as one of the conditions of 3308  
the limited driving privileges granted to the offender, except 3309  
as provided in division (B) of section 4503.231 of the Revised 3310  
Code. 3311

(5) Fines imposed under this section for a violation of 3312  
division (A) of this section shall be distributed as follows: 3313

(a) Twenty-five dollars of the fine imposed under division 3314  
(G) (1) (a) (iii), thirty-five dollars of the fine imposed under 3315  
division (G) (1) (b) (iii), one hundred twenty-three dollars of the 3316  
fine imposed under division (G) (1) (c) (iii), and two hundred ten 3317  
dollars of the fine imposed under division (G) (1) (d) (iii) or (e) 3318  
(iii) of this section shall be paid to an enforcement and 3319  
education fund established by the legislative authority of the 3320  
law enforcement agency in this state that primarily was 3321  
responsible for the arrest of the offender, as determined by the 3322  
court that imposes the fine. The agency shall use this share to 3323  
pay only those costs it incurs in enforcing this section or a 3324  
municipal OVI ordinance and in informing the public of the laws 3325  
governing the operation of a vehicle while under the influence 3326  
of alcohol, the dangers of the operation of a vehicle under the 3327  
influence of alcohol, and other information relating to the 3328  
operation of a vehicle under the influence of alcohol and the 3329  
consumption of alcoholic beverages. 3330

(b) Fifty dollars of the fine imposed under division (G) 3331  
(1) (a) (iii) of this section shall be paid to the political 3332  
subdivision that pays the cost of housing the offender during 3333



the offender's term of incarceration. If the offender is being 3334  
sentenced for a violation of division (A) (1) (a), (b), (c), (d), 3335  
(e), or (j) of this section and was confined as a result of the 3336  
offense prior to being sentenced for the offense but is not 3337  
sentenced to a term of incarceration, the fifty dollars shall be 3338  
paid to the political subdivision that paid the cost of housing 3339  
the offender during that period of confinement. The political 3340  
subdivision shall use the share under this division to pay or 3341  
reimburse incarceration or treatment costs it incurs in housing 3342  
or providing drug and alcohol treatment to persons who violate 3343  
this section or a municipal OVI ordinance, costs of any 3344  
immobilizing or disabling device used on the offender's vehicle, 3345  
and costs of electronic house arrest equipment needed for 3346  
persons who violate this section. 3347

(c) Twenty-five dollars of the fine imposed under division 3348  
(G) (1) (a) (iii) and fifty dollars of the fine imposed under 3349  
division (G) (1) (b) (iii) of this section shall be deposited into 3350  
the county or municipal indigent drivers' alcohol treatment fund 3351  
under the control of that court, as created by the county or 3352  
municipal corporation under division (F) of section 4511.191 of 3353  
the Revised Code. 3354

(d) One hundred fifteen dollars of the fine imposed under 3355  
division (G) (1) (b) (iii), two hundred seventy-seven dollars of 3356  
the fine imposed under division (G) (1) (c) (iii), and four hundred 3357  
forty dollars of the fine imposed under division (G) (1) (d) (iii) 3358  
or (e) (iii) of this section shall be paid to the political 3359  
subdivision that pays the cost of housing the offender during 3360  
the offender's term of incarceration. The political subdivision 3361  
shall use this share to pay or reimburse incarceration or 3362  
treatment costs it incurs in housing or providing drug and 3363  
alcohol treatment to persons who violate this section or a 3364

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

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

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

(g) The balance of the fine imposed under division (G) (1) 3395  
(a) (iii), (b) (iii), (c) (iii), (d) (iii), or (e) (iii) of this 3396  
section shall be disbursed as otherwise provided by law. 3397

(6) If title to a motor vehicle that is subject to an 3398  
order of criminal forfeiture under division (G) (1) (c), (d), or 3399  
(e) of this section is assigned or transferred and division (B) 3400  
(2) or (3) of section 4503.234 of the Revised Code applies, in 3401  
addition to or independent of any other penalty established by 3402  
law, the court may fine the offender the value of the vehicle as 3403  
determined by publications of the national automobile dealers 3404  
association. The proceeds of any fine so imposed shall be 3405  
distributed in accordance with division (C) (2) of that section. 3406

(7) In all cases in which an offender is sentenced under 3407  
division (G) of this section, the offender shall provide the 3408  
court with proof of financial responsibility as defined in 3409  
section 4509.01 of the Revised Code. If the offender fails to 3410  
provide that proof of financial responsibility, the court, in 3411  
addition to any other penalties provided by law, may order 3412  
restitution pursuant to section 2929.18 or 2929.28 of the 3413  
Revised Code in an amount not exceeding five thousand dollars 3414  
for any economic loss arising from an accident or collision that 3415  
was the direct and proximate result of the offender's operation 3416  
of the vehicle before, during, or after committing the offense 3417  
for which the offender is sentenced under division (G) of this 3418  
section. 3419

(8) As used in division (G) of this section, "electronic 3420  
monitoring," "mandatory prison term," and "mandatory term of 3421  
local incarceration" have the same meanings as in section 3422  
2929.01 of the Revised Code. 3423

(H) Whoever violates division (B) of this section is 3424

guilty of operating a vehicle after underage alcohol consumption 3425  
and shall be punished as follows: 3426

(1) Except as otherwise provided in division (H) (2) of 3427  
this section, the offender is guilty of a misdemeanor of the 3428  
fourth degree. In addition to any other sanction imposed for the 3429  
offense, the court shall impose a class six suspension of the 3430  
offender's driver's license, commercial driver's license, 3431  
temporary instruction permit, probationary license, or 3432  
nonresident operating privilege from the range specified in 3433  
division (A) (6) of section 4510.02 of the Revised Code. The 3434  
court may grant limited driving privileges relative to the 3435  
suspension under sections 4510.021 and 4510.13 of the Revised 3436  
Code or unlimited driving privileges with an ignition interlock 3437  
device under section 4510.022 of the Revised Code. 3438

(2) If, within one year of the offense, the offender 3439  
previously has been convicted of or pleaded guilty to one or 3440  
more violations of division (A) or (B) of this section or other 3441  
equivalent offenses, the offender is guilty of a misdemeanor of 3442  
the third degree. In addition to any other sanction imposed for 3443  
the offense, the court shall impose a class four suspension of 3444  
the offender's driver's license, commercial driver's license, 3445  
temporary instruction permit, probationary license, or 3446  
nonresident operating privilege from the range specified in 3447  
division (A) (4) of section 4510.02 of the Revised Code. The 3448  
court may grant limited driving privileges relative to the 3449  
suspension under sections 4510.021 and 4510.13 of the Revised 3450  
Code. 3451

(3) If the offender also is convicted of or also pleads 3452  
guilty to a specification of the type described in section 3453  
2941.1416 of the Revised Code and if the court imposes a jail 3454

term for the violation of division (B) of this section, the 3455  
court shall impose upon the offender an additional definite jail 3456  
term pursuant to division (E) of section 2929.24 of the Revised 3457  
Code. 3458

(4) The offender shall provide the court with proof of 3459  
financial responsibility as defined in section 4509.01 of the 3460  
Revised Code. If the offender fails to provide that proof of 3461  
financial responsibility, then, in addition to any other 3462  
penalties provided by law, the court may order restitution 3463  
pursuant to section 2929.28 of the Revised Code in an amount not 3464  
exceeding five thousand dollars for any economic loss arising 3465  
from an accident or collision that was the direct and proximate 3466  
result of the offender's operation of the vehicle before, 3467  
during, or after committing the violation of division (B) of 3468  
this section. 3469

(I) (1) No court shall sentence an offender to an alcohol 3470  
treatment program under this section unless the treatment 3471  
program complies with the minimum standards for alcohol 3472  
treatment programs adopted under Chapter 5119. of the Revised 3473  
Code by the director of mental health and addiction services. 3474

(2) An offender who stays in a drivers' intervention 3475  
program or in an alcohol treatment program under an order issued 3476  
under this section shall pay the cost of the stay in the 3477  
program. However, if the court determines that an offender who 3478  
stays in an alcohol treatment program under an order issued 3479  
under this section is unable to pay the cost of the stay in the 3480  
program, the court may order that the cost be paid from the 3481  
court's indigent drivers' alcohol treatment fund. 3482

(J) If a person whose driver's or commercial driver's 3483  
license or permit or nonresident operating privilege is 3484

suspended under this section files an appeal regarding any 3485  
aspect of the person's trial or sentence, the appeal itself does 3486  
not stay the operation of the suspension. 3487

(K) Division (A)(1)(j) of this section does not apply to a 3488  
person who operates a vehicle, streetcar, or trackless trolley 3489  
while the person has a concentration of a listed controlled 3490  
substance or a listed metabolite of a controlled substance in 3491  
the person's whole blood, blood serum or plasma, or urine that 3492  
equals or exceeds the amount specified in that division, if both 3493  
of the following apply: 3494

(1) The person obtained the controlled substance pursuant 3495  
to a prescription issued by a licensed health professional 3496  
authorized to prescribe drugs. 3497

(2) The person injected, ingested, or inhaled the 3498  
controlled substance in accordance with the health 3499  
professional's directions. 3500

(L) The prohibited concentrations of a controlled 3501  
substance or a metabolite of a controlled substance listed in 3502  
division (A)(1)(j) of this section also apply in a prosecution 3503  
of a violation of division (D) of section 2923.16 of the Revised 3504  
Code in the same manner as if the offender is being prosecuted 3505  
for a prohibited concentration of alcohol. 3506

(M) All terms defined in section 4510.01 of the Revised 3507  
Code apply to this section. If the meaning of a term defined in 3508  
section 4510.01 of the Revised Code conflicts with the meaning 3509  
of the same term as defined in section 4501.01 or 4511.01 of the 3510  
Revised Code, the term as defined in section 4510.01 of the 3511  
Revised Code applies to this section. 3512

(N) (1) The Ohio Traffic Rules in effect on January 1, 3513

2004, as adopted by the supreme court under authority of section 3514  
2937.46 of the Revised Code, do not apply to felony violations 3515  
of this section. Subject to division (N) (2) of this section, the 3516  
Rules of Criminal Procedure apply to felony violations of this 3517  
section. 3518

(2) If, on or after January 1, 2004, the supreme court 3519  
modifies the Ohio Traffic Rules to provide procedures to govern 3520  
felony violations of this section, the modified rules shall 3521  
apply to felony violations of this section. 3522

**Sec. 4511.191.** (A) (1) As used in this section: 3523

(a) "Physical control" has the same meaning as in section 3524  
4511.194 of the Revised Code. 3525

(b) "Alcohol monitoring device" means any device that 3526  
provides for continuous alcohol monitoring, any ignition 3527  
interlock device, any immobilizing or disabling device other 3528  
than an ignition interlock device that is constantly available 3529  
to monitor the concentration of alcohol in a person's system, or 3530  
any other device that provides for the automatic testing and 3531  
periodic reporting of alcohol consumption by a person and that a 3532  
court orders a person to use as a sanction imposed as a result 3533  
of the person's conviction of or plea of guilty to an offense. 3534

(c) "Community addiction services provider" has the same 3535  
meaning as in section 5119.01 of the Revised Code. 3536

(2) Any person who operates a vehicle, streetcar, or 3537  
trackless trolley upon a highway or any public or private 3538  
property used by the public for vehicular travel or parking 3539  
within this state or who is in physical control of a vehicle, 3540  
streetcar, or trackless trolley shall be deemed to have given 3541  
consent to a chemical test or tests of the person's whole blood, 3542

blood serum or plasma, breath, or urine to determine the 3543  
alcohol, drug of abuse, controlled substance, metabolite of a 3544  
controlled substance, or combination content of the person's 3545  
whole blood, blood serum or plasma, breath, or urine if arrested 3546  
for a violation of division (A) or (B) of section 4511.19 of the 3547  
Revised Code, section 4511.194 of the Revised Code or a 3548  
substantially equivalent municipal ordinance, or a municipal OVI 3549  
ordinance. 3550

(3) The chemical test or tests under division (A) (2) of 3551  
this section shall be administered at the request of a law 3552  
enforcement officer having reasonable grounds to believe the 3553  
person was operating or in physical control of a vehicle, 3554  
streetcar, or trackless trolley in violation of a division, 3555  
section, or ordinance identified in division (A) (2) of this 3556  
section. The law enforcement agency by which the officer is 3557  
employed shall designate which of the tests shall be 3558  
administered. 3559

(4) Any person who is dead or unconscious, or who 3560  
otherwise is in a condition rendering the person incapable of 3561  
refusal, shall be deemed to have consented as provided in 3562  
division (A) (2) of this section, and the test or tests may be 3563  
administered, subject to sections 313.12 to 313.16 of the 3564  
Revised Code. 3565

(5) (a) If a law enforcement officer arrests a person for a 3566  
violation of division (A) or (B) of section 4511.19 of the 3567  
Revised Code, section 4511.194 of the Revised Code or a 3568  
substantially equivalent municipal ordinance, or a municipal OVI 3569  
ordinance and if the person if convicted would be required to be 3570  
sentenced under division (G) (1) (c), (d), or (e) of section 3571  
4511.19 of the Revised Code, the law enforcement officer shall 3572



request the person to submit, and the person shall submit, to a 3573  
chemical test or tests of the person's whole blood, blood serum 3574  
or plasma, breath, or urine for the purpose of determining the 3575  
alcohol, drug of abuse, controlled substance, metabolite of a 3576  
controlled substance, or combination content of the person's 3577  
whole blood, blood serum or plasma, breath, or urine. A law 3578  
enforcement officer who makes a request pursuant to this 3579  
division that a person submit to a chemical test or tests is not 3580  
required to advise the person of the consequences of submitting 3581  
to, or refusing to submit to, the test or tests and is not 3582  
required to give the person the form described in division (B) 3583  
of section 4511.192 of the Revised Code, but the officer shall 3584  
advise the person at the time of the arrest that if the person 3585  
refuses to take a chemical test the officer may employ whatever 3586  
reasonable means are necessary to ensure that the person submits 3587  
to a chemical test of the person's whole blood or blood serum or 3588  
plasma. The officer shall also advise the person at the time of 3589  
the arrest that the person may have an independent chemical test 3590  
taken at the person's own expense. Divisions (A) (3) and (4) of 3591  
this section apply to the administration of a chemical test or 3592  
tests pursuant to this division. 3593

(b) If a person refuses to submit to a chemical test upon 3594  
a request made pursuant to division (A) (5) (a) of this section, 3595  
the law enforcement officer who made the request may employ 3596  
whatever reasonable means are necessary to ensure that the 3597  
person submits to a chemical test of the person's whole blood or 3598  
blood serum or plasma. A law enforcement officer who acts 3599  
pursuant to this division to ensure that a person submits to a 3600  
chemical test of the person's whole blood or blood serum or 3601  
plasma is immune from criminal and civil liability based upon a 3602  
claim for assault and battery or any other claim for the acts, 3603

unless the officer so acted with malicious purpose, in bad 3604  
faith, or in a wanton or reckless manner. 3605

(B) (1) Upon receipt of the sworn report of a law 3606  
enforcement officer who arrested a person for a violation of 3607  
division (A) or (B) of section 4511.19 of the Revised Code, 3608  
section 4511.194 of the Revised Code or a substantially 3609  
equivalent municipal ordinance, or a municipal OVI ordinance 3610  
that was completed and sent to the registrar of motor vehicles 3611  
and a court pursuant to section 4511.192 of the Revised Code in 3612  
regard to a person who refused to take the designated chemical 3613  
test, the registrar shall enter into the registrar's records the 3614  
fact that the person's driver's or commercial driver's license 3615  
or permit or nonresident operating privilege was suspended by 3616  
the arresting officer under this division and that section and 3617  
the period of the suspension, as determined under this section. 3618  
The suspension shall be subject to appeal as provided in section 3619  
4511.197 of the Revised Code. The suspension shall be for 3620  
whichever of the following periods applies: 3621

(a) Except when division (B) (1) (b), (c), or (d) of this 3622  
section applies and specifies a different class or length of 3623  
suspension, the suspension shall be a class C suspension for the 3624  
period of time specified in division (B) (3) of section 4510.02 3625  
of the Revised Code. 3626

(b) If the arrested person, within ~~six~~ten years of the 3627  
date on which the person refused the request to consent to the 3628  
chemical test, had refused one previous request to consent to a 3629  
chemical test or had been convicted of or pleaded guilty to one 3630  
violation of division (A) or (B) of section 4511.19 of the 3631  
Revised Code or one other equivalent offense, the suspension 3632  
shall be a class B suspension imposed for the period of time 3633

specified in division (B) (2) of section 4510.02 of the Revised Code. 3634  
3635

(c) If the arrested person, within ~~six~~ten years of the 3636  
date on which the person refused the request to consent to the 3637  
chemical test, had refused two previous requests to consent to a 3638  
chemical test, had been convicted of or pleaded guilty to two 3639  
violations of division (A) or (B) of section 4511.19 of the 3640  
Revised Code or other equivalent offenses, or had refused one 3641  
previous request to consent to a chemical test and also had been 3642  
convicted of or pleaded guilty to one violation of division (A) 3643  
or (B) of section 4511.19 of the Revised Code or other 3644  
equivalent offenses, which violation or offense arose from an 3645  
incident other than the incident that led to the refusal, the 3646  
suspension shall be a class A suspension imposed for the period 3647  
of time specified in division (B) (1) of section 4510.02 of the 3648  
Revised Code. 3649

(d) If the arrested person, within ~~six~~ten years of the 3650  
date on which the person refused the request to consent to the 3651  
chemical test, had refused three or more previous requests to 3652  
consent to a chemical test, had been convicted of or pleaded 3653  
guilty to three or more violations of division (A) or (B) of 3654  
section 4511.19 of the Revised Code or other equivalent 3655  
offenses, or had refused a number of previous requests to 3656  
consent to a chemical test and also had been convicted of or 3657  
pleaded guilty to a number of violations of division (A) or (B) 3658  
of section 4511.19 of the Revised Code or other equivalent 3659  
offenses that cumulatively total three or more such refusals, 3660  
convictions, and guilty pleas, the suspension shall be for five 3661  
years. 3662

(2) The registrar shall terminate a suspension of the 3663

driver's or commercial driver's license or permit of a resident 3664  
or of the operating privilege of a nonresident, or a denial of a 3665  
driver's or commercial driver's license or permit, imposed 3666  
pursuant to division (B)(1) of this section upon receipt of 3667  
notice that the person has entered a plea of guilty to, or that 3668  
the person has been convicted after entering a plea of no 3669  
contest to, operating a vehicle in violation of section 4511.19 3670  
of the Revised Code or in violation of a municipal OVI 3671  
ordinance, if the offense for which the conviction is had or the 3672  
plea is entered arose from the same incident that led to the 3673  
suspension or denial. 3674

The registrar shall credit against any judicial suspension 3675  
of a person's driver's or commercial driver's license or permit 3676  
or nonresident operating privilege imposed pursuant to section 3677  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3678  
the Revised Code for a violation of a municipal OVI ordinance, 3679  
any time during which the person serves a related suspension 3680  
imposed pursuant to division (B)(1) of this section. 3681

(C)(1) Upon receipt of the sworn report of the law 3682  
enforcement officer who arrested a person for a violation of 3683  
division (A) or (B) of section 4511.19 of the Revised Code or a 3684  
municipal OVI ordinance that was completed and sent to the 3685  
registrar and a court pursuant to section 4511.192 of the 3686  
Revised Code in regard to a person whose test results indicate 3687  
that the person's whole blood, blood serum or plasma, breath, or 3688  
urine contained at least the concentration of alcohol specified 3689  
in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of 3690  
the Revised Code or at least the concentration of a listed 3691  
controlled substance or a listed metabolite of a controlled 3692  
substance specified in division (A)(1)(j) of section 4511.19 of 3693  
the Revised Code, the registrar shall enter into the registrar's 3694

records the fact that the person's driver's or commercial 3695  
driver's license or permit or nonresident operating privilege 3696  
was suspended by the arresting officer under this division and 3697  
section 4511.192 of the Revised Code and the period of the 3698  
suspension, as determined under divisions (C) (1) (a) to (d) of 3699  
this section. The suspension shall be subject to appeal as 3700  
provided in section 4511.197 of the Revised Code. The suspension 3701  
described in this division does not apply to, and shall not be 3702  
imposed upon, a person arrested for a violation of section 3703  
4511.194 of the Revised Code or a substantially equivalent 3704  
municipal ordinance who submits to a designated chemical test. 3705  
The suspension shall be for whichever of the following periods 3706  
applies: 3707

(a) Except when division (C) (1) (b), (c), or (d) of this 3708  
section applies and specifies a different period, the suspension 3709  
shall be a class E suspension imposed for the period of time 3710  
specified in division (B) (5) of section 4510.02 of the Revised 3711  
Code. 3712

(b) The suspension shall be a class C suspension for the 3713  
period of time specified in division (B) (3) of section 4510.02 3714  
of the Revised Code if the person has been convicted of or 3715  
pleaded guilty to, within ~~six~~ ten years of the date the test was 3716  
conducted, one violation of division (A) or (B) of section 3717  
4511.19 of the Revised Code or one other equivalent offense. 3718

(c) If, within ~~six~~ ten years of the date the test was 3719  
conducted, the person has been convicted of or pleaded guilty to 3720  
two violations of a statute or ordinance described in division 3721  
(C) (1) (b) of this section, the suspension shall be a class B 3722  
suspension imposed for the period of time specified in division 3723  
(B) (2) of section 4510.02 of the Revised Code. 3724

(d) If, within ~~six~~ten years of the date the test was 3725  
conducted, the person has been convicted of or pleaded guilty to 3726  
more than two violations of a statute or ordinance described in 3727  
division (C) (1) (b) of this section, the suspension shall be a 3728  
class A suspension imposed for the period of time specified in 3729  
division (B) (1) of section 4510.02 of the Revised Code. 3730

(2) The registrar shall terminate a suspension of the 3731  
driver's or commercial driver's license or permit of a resident 3732  
or of the operating privilege of a nonresident, or a denial of a 3733  
driver's or commercial driver's license or permit, imposed 3734  
pursuant to division (C) (1) of this section upon receipt of 3735  
notice that the person has entered a plea of guilty to, or that 3736  
the person has been convicted after entering a plea of no 3737  
contest to, operating a vehicle in violation of section 4511.19 3738  
of the Revised Code or in violation of a municipal OVI 3739  
ordinance, if the offense for which the conviction is had or the 3740  
plea is entered arose from the same incident that led to the 3741  
suspension or denial. 3742

The registrar shall credit against any judicial suspension 3743  
of a person's driver's or commercial driver's license or permit 3744  
or nonresident operating privilege imposed pursuant to section 3745  
4511.19 of the Revised Code, or pursuant to section 4510.07 of 3746  
the Revised Code for a violation of a municipal OVI ordinance, 3747  
any time during which the person serves a related suspension 3748  
imposed pursuant to division (C) (1) of this section. 3749

(D) (1) A suspension of a person's driver's or commercial 3750  
driver's license or permit or nonresident operating privilege 3751  
under this section for the time described in division (B) or (C) 3752  
of this section is effective immediately from the time at which 3753  
the arresting officer serves the notice of suspension upon the 3754

arrested person. Any subsequent finding that the person is not 3755  
guilty of the charge that resulted in the person being requested 3756  
to take the chemical test or tests under division (A) of this 3757  
section does not affect the suspension. 3758

(2) If a person is arrested for operating a vehicle, 3759  
streetcar, or trackless trolley in violation of division (A) or 3760  
(B) of section 4511.19 of the Revised Code or a municipal OVI 3761  
ordinance, or for being in physical control of a vehicle, 3762  
streetcar, or trackless trolley in violation of section 4511.194 3763  
of the Revised Code or a substantially equivalent municipal 3764  
ordinance, regardless of whether the person's driver's or 3765  
commercial driver's license or permit or nonresident operating 3766  
privilege is or is not suspended under division (B) or (C) of 3767  
this section or Chapter 4510. of the Revised Code, the person's 3768  
initial appearance on the charge resulting from the arrest shall 3769  
be held within five days of the person's arrest or the issuance 3770  
of the citation to the person, subject to any continuance 3771  
granted by the court pursuant to section 4511.197 of the Revised 3772  
Code regarding the issues specified in that division. 3773

(E) When it finally has been determined under the 3774  
procedures of this section and sections 4511.192 to 4511.197 of 3775  
the Revised Code that a nonresident's privilege to operate a 3776  
vehicle within this state has been suspended, the registrar 3777  
shall give information in writing of the action taken to the 3778  
motor vehicle administrator of the state of the person's 3779  
residence and of any state in which the person has a license. 3780

(F) At the end of a suspension period under this section, 3781  
under section 4511.194, section 4511.196, or division (G) of 3782  
section 4511.19 of the Revised Code, or under section 4510.07 of 3783  
the Revised Code for a violation of a municipal OVI ordinance 3784

and upon the request of the person whose driver's or commercial 3785  
driver's license or permit was suspended and who is not 3786  
otherwise subject to suspension, cancellation, or 3787  
disqualification, the registrar shall return the driver's or 3788  
commercial driver's license or permit to the person upon the 3789  
occurrence of all of the conditions specified in divisions (F) 3790  
(1) and (2) of this section: 3791

(1) A showing that the person has proof of financial 3792  
responsibility, a policy of liability insurance in effect that 3793  
meets the minimum standards set forth in section 4509.51 of the 3794  
Revised Code, or proof, to the satisfaction of the registrar, 3795  
that the person is able to respond in damages in an amount at 3796  
least equal to the minimum amounts specified in section 4509.51 3797  
of the Revised Code. 3798

(2) Subject to the limitation contained in division (F) (3) 3799  
of this section, payment by the person to the registrar or an 3800  
eligible deputy registrar of a license reinstatement fee of four 3801  
hundred seventy-five dollars, which fee shall be deposited in 3802  
the state treasury and credited as follows: 3803

(a) One hundred twelve dollars and fifty cents shall be 3804  
credited to the statewide treatment and prevention fund created 3805  
by section 4301.30 of the Revised Code. Money credited to the 3806  
fund under this section shall be used for purposes identified 3807  
under section 5119.22 of the Revised Code. 3808

(b) Seventy-five dollars shall be credited to the 3809  
reparations fund created by section 2743.191 of the Revised 3810  
Code. 3811

(c) Thirty-seven dollars and fifty cents shall be credited 3812  
to the indigent drivers alcohol treatment fund, which is hereby 3813



established in the state treasury. The department of mental 3814  
health and addiction services shall distribute the moneys in 3815  
that fund to the county indigent drivers alcohol treatment 3816  
funds, the county juvenile indigent drivers alcohol treatment 3817  
funds, and the municipal indigent drivers alcohol treatment 3818  
funds that are required to be established by counties and 3819  
municipal corporations pursuant to division (H) of this section 3820  
to be used only as provided in division (H) (3) of this section. 3821  
Moneys in the fund that are not distributed to a county indigent 3822  
drivers alcohol treatment fund, a county juvenile indigent 3823  
drivers alcohol treatment fund, or a municipal indigent drivers 3824  
alcohol treatment fund under division (H) of this section 3825  
because the director of mental health and addiction services 3826  
does not have the information necessary to identify the county 3827  
or municipal corporation where the offender or juvenile offender 3828  
was arrested may be transferred by the director of budget and 3829  
management to the statewide treatment and prevention fund 3830  
created by section 4301.30 of the Revised Code, upon 3831  
certification of the amount by the director of mental health and 3832  
addiction services. 3833

(d) Seventy-five dollars shall be credited to the 3834  
opportunities for Ohioans with disabilities agency established 3835  
by section 3304.15 of the Revised Code, to the services for 3836  
rehabilitation fund, which is hereby established. The fund shall 3837  
be used to match available federal matching funds where 3838  
appropriate, and for any other purpose or program of the agency 3839  
to rehabilitate persons with disabilities to help them become 3840  
employed and independent. 3841

(e) Seventy-five dollars shall be deposited into the state 3842  
treasury and credited to the drug abuse resistance education 3843  
programs fund, which is hereby established, to be used by the 3844

attorney general for the purposes specified in division (F) (4) 3845  
of this section. 3846

(f) Thirty dollars shall be credited to the state bureau 3847  
of motor vehicles fund created by section 4501.25 of the Revised 3848  
Code. 3849

(g) Twenty dollars shall be credited to the trauma and 3850  
emergency medical services fund created by section 4513.263 of 3851  
the Revised Code. 3852

(h) Fifty dollars shall be credited to the indigent 3853  
drivers interlock and alcohol monitoring fund, which is hereby 3854  
established in the state treasury. Moneys in the fund shall be 3855  
distributed by the department of public safety to the county 3856  
indigent drivers interlock and alcohol monitoring funds, the 3857  
county juvenile indigent drivers interlock and alcohol 3858  
monitoring funds, and the municipal indigent drivers interlock 3859  
and alcohol monitoring funds that are required to be established 3860  
by counties and municipal corporations pursuant to this section, 3861  
and shall be used only to pay the cost of an immobilizing or 3862  
disabling device, including a certified ignition interlock 3863  
device, or an alcohol monitoring device used by an offender or 3864  
juvenile offender who is ordered to use the device by a county, 3865  
juvenile, or municipal court judge and who is determined by the 3866  
county, juvenile, or municipal court judge not to have the means 3867  
to pay for the person's use of the device. 3868

(3) If a person's driver's or commercial driver's license 3869  
or permit is suspended under this section, under section 3870  
4511.196 or division (G) of section 4511.19 of the Revised Code, 3871  
under section 4510.07 of the Revised Code for a violation of a 3872  
municipal OVI ordinance or under any combination of the 3873  
suspensions described in division (F) (3) of this section, and if 3874

the suspensions arise from a single incident or a single set of 3875  
facts and circumstances, the person is liable for payment of, 3876  
and shall be required to pay to the registrar or an eligible 3877  
deputy registrar, only one reinstatement fee of four hundred 3878  
seventy-five dollars. The reinstatement fee shall be distributed 3879  
by the bureau in accordance with division (F) (2) of this 3880  
section. 3881

(4) The attorney general shall use amounts in the drug 3882  
abuse resistance education programs fund to award grants to law 3883  
enforcement agencies to establish and implement drug abuse 3884  
resistance education programs in public schools. Grants awarded 3885  
to a law enforcement agency under this section shall be used by 3886  
the agency to pay for not more than fifty per cent of the amount 3887  
of the salaries of law enforcement officers who conduct drug 3888  
abuse resistance education programs in public schools. The 3889  
attorney general shall not use more than six per cent of the 3890  
amounts the attorney general's office receives under division 3891  
(F) (2) (e) of this section to pay the costs it incurs in 3892  
administering the grant program established by division (F) (2) 3893  
(e) of this section and in providing training and materials 3894  
relating to drug abuse resistance education programs. 3895

The attorney general shall report to the governor and the 3896  
general assembly each fiscal year on the progress made in 3897  
establishing and implementing drug abuse resistance education 3898  
programs. These reports shall include an evaluation of the 3899  
effectiveness of these programs. 3900

(5) In addition to the reinstatement fee under this 3901  
section, if the person pays the reinstatement fee to a deputy 3902  
registrar, the deputy registrar shall collect a service fee of 3903  
ten dollars to compensate the deputy registrar for services 3904

performed under this section. The deputy registrar shall retain 3905  
eight dollars of the service fee and shall transmit the 3906  
reinstatement fee, plus two dollars of the service fee, to the 3907  
registrar in the manner the registrar shall determine. 3908

(G) Suspension of a commercial driver's license under 3909  
division (B) or (C) of this section shall be concurrent with any 3910  
period of disqualification under section 3123.611 or 4506.16 of 3911  
the Revised Code or any period of suspension under section 3912  
3123.58 of the Revised Code. No person who is disqualified for 3913  
life from holding a commercial driver's license under section 3914  
4506.16 of the Revised Code shall be issued a driver's license 3915  
under Chapter 4507. of the Revised Code during the period for 3916  
which the commercial driver's license was suspended under 3917  
division (B) or (C) of this section. No person whose commercial 3918  
driver's license is suspended under division (B) or (C) of this 3919  
section shall be issued a driver's license under Chapter 4507. 3920  
of the Revised Code during the period of the suspension. 3921

(H) (1) Each county shall establish an indigent drivers 3922  
alcohol treatment fund and a juvenile indigent drivers alcohol 3923  
treatment fund. Each municipal corporation in which there is a 3924  
municipal court shall establish an indigent drivers alcohol 3925  
treatment fund. All revenue that the general assembly 3926  
appropriates to the indigent drivers alcohol treatment fund for 3927  
transfer to a county indigent drivers alcohol treatment fund, a 3928  
county juvenile indigent drivers alcohol treatment fund, or a 3929  
municipal indigent drivers alcohol treatment fund, all portions 3930  
of fees that are paid under division (F) of this section and 3931  
that are credited under that division to the indigent drivers 3932  
alcohol treatment fund in the state treasury for a county 3933  
indigent drivers alcohol treatment fund, a county juvenile 3934  
indigent drivers alcohol treatment fund, or a municipal indigent 3935

drivers alcohol treatment fund, all portions of additional costs 3936  
imposed under section 2949.094 of the Revised Code that are 3937  
specified for deposit into a county, county juvenile, or 3938  
municipal indigent drivers alcohol treatment fund by that 3939  
section, and all portions of fines that are specified for 3940  
deposit into a county or municipal indigent drivers alcohol 3941  
treatment fund by section 4511.193 of the Revised Code shall be 3942  
deposited into that county indigent drivers alcohol treatment 3943  
fund, county juvenile indigent drivers alcohol treatment fund, 3944  
or municipal indigent drivers alcohol treatment fund. The 3945  
portions of the fees paid under division (F) of this section 3946  
that are to be so deposited shall be determined in accordance 3947  
with division (H) (2) of this section. Additionally, all portions 3948  
of fines that are paid for a violation of section 4511.19 of the 3949  
Revised Code or of any prohibition contained in Chapter 4510. of 3950  
the Revised Code, and that are required under section 4511.19 or 3951  
any provision of Chapter 4510. of the Revised Code to be 3952  
deposited into a county indigent drivers alcohol treatment fund 3953  
or municipal indigent drivers alcohol treatment fund shall be 3954  
deposited into the appropriate fund in accordance with the 3955  
applicable division of the section or provision. 3956

(2) That portion of the license reinstatement fee that is 3957  
paid under division (F) of this section and that is credited 3958  
under that division to the indigent drivers alcohol treatment 3959  
fund shall be deposited into a county indigent drivers alcohol 3960  
treatment fund, a county juvenile indigent drivers alcohol 3961  
treatment fund, or a municipal indigent drivers alcohol 3962  
treatment fund as follows: 3963

(a) Regarding a suspension imposed under this section, 3964  
that portion of the fee shall be deposited as follows: 3965

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

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

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

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

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

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

(3) (a) As used in division (H) (3) of this section,

"indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H) (5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

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

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

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

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

The alcohol and drug addiction services board or the board 4024  
of alcohol, drug addiction, and mental health services 4025  
established pursuant to section 340.02 or 340.021 of the Revised 4026  
Code and serving the alcohol, drug addiction, and mental health 4027  
service district in which the court is located shall administer 4028  
the indigent drivers alcohol treatment program of the court. 4029  
When a court orders an offender or juvenile traffic offender to 4030  
obtain an assessment or attend an alcohol and drug addiction 4031  
treatment program, the board shall determine which program is 4032  
suitable to meet the needs of the offender or juvenile traffic 4033  
offender, and when a suitable program is located and space is 4034  
available at the program, the offender or juvenile traffic 4035  
offender shall attend the program designated by the board. A 4036  
reasonable amount not to exceed five per cent of the amounts 4037  
credited to and deposited into the county indigent drivers 4038  
alcohol treatment fund, the county juvenile indigent drivers 4039  
alcohol treatment fund, or the municipal indigent drivers 4040  
alcohol treatment fund serving every court whose program is 4041  
administered by that board shall be paid to the board to cover 4042  
the costs it incurs in administering those indigent drivers 4043  
alcohol treatment programs. 4044

(c) Upon exhaustion of moneys in the indigent drivers 4045  
interlock and alcohol monitoring fund for the use of an alcohol 4046  
monitoring device, a county, juvenile, or municipal court judge 4047  
may use moneys in the county indigent drivers alcohol treatment 4048  
fund, county juvenile indigent drivers alcohol treatment fund, 4049  
or municipal indigent drivers alcohol treatment fund in either 4050  
of the following manners: 4051

(i) If the source of the moneys was an appropriation of 4052  
the general assembly, a portion of a fee that was paid under 4053  
division (F) of this section, a portion of a fine that was 4054



specified for deposit into the fund by section 4511.193 of the 4055  
Revised Code, or a portion of a fine that was paid for a 4056  
violation of section 4511.19 of the Revised Code or of a 4057  
provision contained in Chapter 4510. of the Revised Code that 4058  
was required to be deposited into the fund, to pay for the 4059  
continued use of an alcohol monitoring device by an offender or 4060  
juvenile traffic offender, in conjunction with a treatment 4061  
program approved by the department of mental health and 4062  
addiction services, when such use is determined clinically 4063  
necessary by the treatment program and when the court determines 4064  
that the offender or juvenile traffic offender is unable to pay 4065  
all or part of the daily monitoring or cost of the device; 4066

(ii) If the source of the moneys was a portion of an 4067  
additional court cost imposed under section 2949.094 of the 4068  
Revised Code, to pay for the continued use of an alcohol 4069  
monitoring device by an offender or juvenile traffic offender 4070  
when the court determines that the offender or juvenile traffic 4071  
offender is unable to pay all or part of the daily monitoring or 4072  
cost of the device. The moneys may be used for a device as 4073  
described in this division if the use of the device is in 4074  
conjunction with a treatment program approved by the department 4075  
of mental health and addiction services, when the use of the 4076  
device is determined clinically necessary by the treatment 4077  
program, but the use of a device is not required to be in 4078  
conjunction with a treatment program approved by the department 4079  
in order for the moneys to be used for the device as described 4080  
in this division. 4081

(4) If a county, juvenile, or municipal court determines, 4082  
in consultation with the alcohol and drug addiction services 4083  
board or the board of alcohol, drug addiction, and mental health 4084  
services established pursuant to section 340.02 or 340.021 of 4085

the Revised Code and serving the alcohol, drug addiction, and 4086  
mental health district in which the court is located, that the 4087  
funds in the county indigent drivers alcohol treatment fund, the 4088  
county juvenile indigent drivers alcohol treatment fund, or the 4089  
municipal indigent drivers alcohol treatment fund under the 4090  
control of the court are more than sufficient to satisfy the 4091  
purpose for which the fund was established, as specified in 4092  
divisions (H) (1) to (3) of this section, the court may declare a 4093  
surplus in the fund. If the court declares a surplus in the 4094  
fund, the court may take any of the following actions with 4095  
regard to the amount of the surplus in the fund: 4096

(a) Expend any of the surplus amount for alcohol and drug 4097  
abuse assessment and treatment, and for the cost of 4098  
transportation related to assessment and treatment, of persons 4099  
who are charged in the court with committing a criminal offense 4100  
or with being a delinquent child or juvenile traffic offender 4101  
and in relation to whom both of the following apply: 4102

(i) The court determines that substance abuse was a 4103  
contributing factor leading to the criminal or delinquent 4104  
activity or the juvenile traffic offense with which the person 4105  
is charged. 4106

(ii) The court determines that the person is unable to pay 4107  
the cost of the alcohol and drug abuse assessment and treatment 4108  
for which the surplus money will be used. 4109

(b) Expend any of the surplus amount to pay all or part of 4110  
the cost of purchasing alcohol monitoring devices to be used in 4111  
conjunction with division (H) (3) (c) of this section, upon 4112  
exhaustion of moneys in the indigent drivers interlock and 4113  
alcohol monitoring fund for the use of an alcohol monitoring 4114  
device. 4115

(c) Transfer to another court in the same county any of 4116  
the surplus amount to be utilized in a manner consistent with 4117  
division (H) (3) of this section. If surplus funds are 4118  
transferred to another court, the court that transfers the funds 4119  
shall notify the alcohol and drug addiction services board or 4120  
the board of alcohol, drug addiction, and mental health services 4121  
that serves the alcohol, drug addiction, and mental health 4122  
service district in which that court is located. 4123

(d) Transfer to the alcohol and drug addiction services 4124  
board or the board of alcohol, drug addiction, and mental health 4125  
services that serves the alcohol, drug addiction, and mental 4126  
health service district in which the court is located any of the 4127  
surplus amount to be utilized in a manner consistent with 4128  
division (H) (3) of this section or for board contracted recovery 4129  
support services. 4130

(5) In order to determine if an offender does not have the 4131  
means to pay for the offender's attendance at an alcohol and 4132  
drug addiction treatment program for purposes of division (H) (3) 4133  
of this section or if an alleged offender or delinquent child is 4134  
unable to pay the costs specified in division (H) (4) of this 4135  
section, the court shall use the indigent client eligibility 4136  
guidelines and the standards of indigency established by the 4137  
state public defender to make the determination. 4138

(6) The court shall identify and refer any community 4139  
addiction services provider that intends to provide addiction 4140  
services and has not had its addiction services certified under 4141  
section 5119.36 of the Revised Code and that is interested in 4142  
receiving amounts from the surplus in the fund declared under 4143  
division (H) (4) of this section to the department of mental 4144  
health and addiction services in order for the community 4145

addiction services provider to have its addiction services 4146  
certified by the department. The department shall keep a record 4147  
of applicant referrals received pursuant to this division and 4148  
shall submit a report on the referrals each year to the general 4149  
assembly. If a community addiction services provider interested 4150  
in having its addiction services certified makes an application 4151  
pursuant to section 5119.36 of the Revised Code, the community 4152  
addiction services provider is eligible to receive surplus funds 4153  
as long as the application is pending with the department. The 4154  
department of mental health and addiction services must offer 4155  
technical assistance to the applicant. If the interested 4156  
community addiction services provider withdraws the 4157  
certification application, the department must notify the court, 4158  
and the court shall not provide the interested community 4159  
addiction services provider with any further surplus funds. 4160

(7) (a) Each alcohol and drug addiction services board and 4161  
board of alcohol, drug addiction, and mental health services 4162  
established pursuant to section 340.02 or 340.021 of the Revised 4163  
Code shall submit to the department of mental health and 4164  
addiction services an annual report for each indigent drivers 4165  
alcohol treatment fund in that board's area. 4166

(b) The report, which shall be submitted not later than 4167  
sixty days after the end of the state fiscal year, shall provide 4168  
the total payment that was made from the fund, including the 4169  
number of indigent consumers that received treatment services 4170  
and the number of indigent consumers that received an alcohol 4171  
monitoring device. The report shall identify the treatment 4172  
program and expenditure for an alcohol monitoring device for 4173  
which that payment was made. The report shall include the fiscal 4174  
year balance of each indigent drivers alcohol treatment fund 4175  
located in that board's area. In the event that a surplus is 4176

declared in the fund pursuant to division (H) (4) of this 4177  
section, the report also shall provide the total payment that 4178  
was made from the surplus moneys and identify the authorized 4179  
purpose for which that payment was made. 4180

(c) If a board is unable to obtain adequate information to 4181  
develop the report to submit to the department for a particular 4182  
indigent drivers alcohol treatment fund, the board shall submit 4183  
a report detailing the effort made in obtaining the information. 4184

(I) (1) Each county shall establish an indigent drivers 4185  
interlock and alcohol monitoring fund and a juvenile indigent 4186  
drivers interlock and alcohol treatment fund. Each municipal 4187  
corporation in which there is a municipal court shall establish 4188  
an indigent drivers interlock and alcohol monitoring fund. All 4189  
revenue that the general assembly appropriates to the indigent 4190  
drivers interlock and alcohol monitoring fund for transfer to a 4191  
county indigent drivers interlock and alcohol monitoring fund, a 4192  
county juvenile indigent drivers interlock and alcohol 4193  
monitoring fund, or a municipal indigent drivers interlock and 4194  
alcohol monitoring fund, all portions of license reinstatement 4195  
fees that are paid under division (F) (2) of this section and 4196  
that are credited under that division to the indigent drivers 4197  
interlock and alcohol monitoring fund in the state treasury, and 4198  
all portions of fines that are paid under division (G) of 4199  
section 4511.19 of the Revised Code and that are credited by 4200  
division (G) (5) (e) of that section to the indigent drivers 4201  
interlock and alcohol monitoring fund in the state treasury 4202  
shall be deposited in the appropriate fund in accordance with 4203  
division (I) (2) of this section. 4204

(2) That portion of the license reinstatement fee that is 4205  
paid under division (F) of this section and that portion of the 4206

fine paid under division (G) of section 4511.19 of the Revised Code and that is credited under either division to the indigent drivers interlock and alcohol monitoring fund shall be deposited into a county indigent drivers interlock and alcohol monitoring fund, a county juvenile indigent drivers interlock and alcohol monitoring fund, or a municipal indigent drivers interlock and alcohol monitoring fund as follows:

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

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

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

(3) If a county, juvenile, or municipal court determines that the funds in the county indigent drivers interlock and alcohol monitoring fund, the county juvenile indigent drivers interlock and alcohol monitoring fund, or the municipal indigent drivers interlock and alcohol monitoring fund under the control of that court are more than sufficient to satisfy the purpose for which the fund was established as specified in division (F) (2) (h) of this section, the court may declare a surplus in the

fund. The court then may order the transfer of a specified 4237  
amount into the county indigent drivers alcohol treatment fund, 4238  
the county juvenile indigent drivers alcohol treatment fund, or 4239  
the municipal indigent drivers alcohol treatment fund under the 4240  
control of that court to be utilized in accordance with division 4241  
(H) of this section. 4242

**Sec. 4511.193.** (A) Twenty-five dollars of any fine imposed 4243  
for a violation of a municipal OVI ordinance shall be deposited 4244  
into the municipal or county indigent drivers alcohol treatment 4245  
fund created pursuant to division (H) of section 4511.191 of the 4246  
Revised Code in accordance with this section and section 733.40, 4247  
divisions (A), (B), and (C) of section 1901.024, division (F) of 4248  
section 1901.31, or division (C) of section 1907.20 of the 4249  
Revised Code. Regardless of whether the fine is imposed by a 4250  
municipal court, a mayor's court, or a juvenile court, if the 4251  
fine was imposed for a violation of an ordinance of a municipal 4252  
corporation that is within the jurisdiction of a county-operated 4253  
municipal court or a municipal court that is not a county- 4254  
operated municipal court, the twenty-five dollars that is 4255  
subject to this section shall be deposited into the indigent 4256  
drivers alcohol treatment fund of the county in which that 4257  
municipal corporation is located if the municipal court that has 4258  
jurisdiction over that municipal corporation is a county- 4259  
operated municipal court or of the municipal corporation in 4260  
which is located the municipal court that has jurisdiction over 4261  
that municipal corporation if that municipal court is not a 4262  
county-operated municipal court. Regardless of whether the fine 4263  
is imposed by a county court, a mayor's court, or a juvenile 4264  
court, if the fine was imposed for a violation of an ordinance 4265  
of a municipal corporation that is within the jurisdiction of a 4266  
county court, the twenty-five dollars that is subject to this 4267

section shall be deposited into the indigent drivers alcohol 4268  
treatment fund of the county in which is located the county 4269  
court that has jurisdiction over that municipal corporation. The 4270  
deposit shall be made in accordance with section 733.40, 4271  
divisions (A), (B), and (C) of section 1901.024, division (F) of 4272  
section 1901.31, or division (C) of section 1907.20 of the 4273  
Revised Code. 4274

(B) Any court cost imposed as a result of a violation of a 4275  
municipal ordinance that is a moving violation and designated 4276  
for an indigent drivers alcohol treatment fund established 4277  
pursuant to division (H) of section 4511.191 of the Revised Code 4278  
shall be deposited into the municipal or county indigent drivers 4279  
alcohol treatment fund created pursuant to division (H) of 4280  
section 4511.191 of the Revised Code in accordance with this 4281  
section and section 733.40, divisions (A), (B), and (C) of 4282  
section 1901.024, division (F) of section 1901.31, or division 4283  
(C) of section 1907.20 of the Revised Code. Regardless of 4284  
whether the court cost is imposed by a municipal court, a 4285  
mayor's court, or a juvenile court, if the court cost was 4286  
imposed for a violation of an ordinance of a municipal 4287  
corporation that is within the jurisdiction of a county-operated 4288  
municipal court or a municipal court that is not a county- 4289  
operated municipal court, the court cost that is subject to this 4290  
section shall be deposited into the indigent drivers alcohol 4291  
treatment fund of the county in which that municipal corporation 4292  
is located if the municipal court that has jurisdiction over 4293  
that municipal corporation is a county-operated municipal court 4294  
or of the municipal corporation in which is located the 4295  
municipal court that has jurisdiction over that municipal 4296  
corporation if that municipal court is not a county-operated 4297  
municipal court. Regardless of whether the court cost is imposed 4298



by a county court, a mayor's court, or a juvenile court, if the 4299  
court cost was imposed for a violation of an ordinance of a 4300  
municipal corporation that is within the jurisdiction of a 4301  
county court, the court cost that is subject to this section 4302  
shall be deposited into the indigent drivers alcohol treatment 4303  
fund of the county in which is located the county court that has 4304  
jurisdiction over that municipal corporation. The deposit shall 4305  
be made in accordance with section 733.40, divisions (A), (B), 4306  
and (C) of section 1901.024, division (F) of section 1901.31, or 4307  
division (C) of section 1907.20 of the Revised Code. 4308

(C) (1) The requirements and sanctions imposed by divisions 4309  
(C) (1) and (2) of this section are an adjunct to and derive from 4310  
the state's exclusive authority over the registration and 4311  
titling of motor vehicles and do not comprise a part of the 4312  
criminal sentence to be imposed upon a person who violates a 4313  
municipal OVI ordinance. 4314

(2) If a person is convicted of or pleads guilty to a 4315  
violation of a municipal OVI ordinance, if the vehicle the 4316  
offender was operating at the time of the offense is registered 4317  
in the offender's name, and if, within ~~six~~-ten years of the 4318  
current offense, the offender has been convicted of or pleaded 4319  
guilty to one or more violations of division (A) or (B) of 4320  
section 4511.19 of the Revised Code or one or more other 4321  
equivalent offenses, the court, in addition to and independent 4322  
of any sentence that it imposes upon the offender for the 4323  
offense, shall do whichever of the following is applicable: 4324

(a) Except as otherwise provided in division (C) (2) (b) of 4325  
this section, if, within ~~six~~-ten years of the current offense, 4326  
the offender has been convicted of or pleaded guilty to one 4327  
violation described in division (C) (2) of this section, the 4328

court shall order the immobilization for ninety days of that 4329  
vehicle and the impoundment for ninety days of the license 4330  
plates of that vehicle. The order for the immobilization and 4331  
impoundment shall be issued and enforced in accordance with 4332  
section 4503.233 of the Revised Code. 4333

(b) If, within ~~six~~ten years of the current offense, the 4334  
offender has been convicted of or pleaded guilty to two or more 4335  
violations described in division (C) (2) of this section, or if 4336  
the offender previously has been convicted of or pleaded guilty 4337  
to a violation of division (A) of section 4511.19 of the Revised 4338  
Code under circumstances in which the violation was a felony and 4339  
regardless of when the violation and the conviction or guilty 4340  
plea occurred, the court shall order the criminal forfeiture to 4341  
the state of that vehicle. The order of criminal forfeiture 4342  
shall be issued and enforced in accordance with section 4503.234 4343  
of the Revised Code. 4344

(D) As used in this section, "county-operated municipal 4345  
court" has the same meaning as in section 1901.03 of the Revised 4346  
Code. 4347

**Sec. 4511.195.** (A) As used in this section: 4348

(1) "Arrested person" means a person who is arrested for a 4349  
violation of division (A) of section 4511.19 of the Revised Code 4350  
or a municipal OVI ordinance and whose arrest results in a 4351  
vehicle being seized under division (B) of this section. 4352

(2) "Vehicle owner" means either of the following: 4353

(a) The person in whose name is registered, at the time of 4354  
the seizure, a vehicle that is seized under division (B) of this 4355  
section; 4356

(b) A person to whom the certificate of title to a vehicle 4357

that is seized under division (B) of this section has been 4358  
assigned and who has not obtained a certificate of title to the 4359  
vehicle in that person's name, but who is deemed by the court as 4360  
being the owner of the vehicle at the time the vehicle was 4361  
seized under division (B) of this section. 4362

(3) "Interested party" includes the owner of a vehicle 4363  
seized under this section, all lienholders, the arrested person, 4364  
the owner of the place of storage at which a vehicle seized 4365  
under this section is stored, and the person or entity that 4366  
caused the vehicle to be removed. 4367

(B) (1) The arresting officer or another officer of the law 4368  
enforcement agency that employs the arresting officer, in 4369  
addition to any action that the arresting officer is required or 4370  
authorized to take by section 4511.19 or 4511.191 of the Revised 4371  
Code or by any other provision of law, shall seize the vehicle 4372  
that a person was operating at the time of the alleged offense 4373  
and its license plates if the vehicle is registered in the 4374  
arrested person's name and if either of the following applies: 4375

(a) The person is arrested for a violation of division (A) 4376  
of section 4511.19 of the Revised Code or of a municipal OVI 4377  
ordinance and, within ~~six~~ten years of the alleged violation, 4378  
the person previously has been convicted of or pleaded guilty to 4379  
one or more violations of division (A) or (B) of section 4511.19 4380  
of the Revised Code or one or more other equivalent offenses. 4381

(b) The person is arrested for a violation of division (A) 4382  
of section 4511.19 of the Revised Code or of a municipal OVI 4383  
ordinance and the person previously has been convicted of or 4384  
pleaded guilty to a violation of division (A) of section 4511.19 4385  
of the Revised Code under circumstances in which the violation 4386  
was a felony, regardless of when the prior felony violation of 4387

division (A) of section 4511.19 of the Revised Code and the 4388  
conviction or guilty plea occurred. 4389

(2) A law enforcement agency that employs a law 4390  
enforcement officer who makes an arrest of a type that is 4391  
described in division (B)(1) of this section and that involves a 4392  
rented or leased vehicle that is being rented or leased for a 4393  
period of thirty days or less shall notify, within twenty-four 4394  
hours after the officer makes the arrest, the lessor or owner of 4395  
the vehicle regarding the circumstances of the arrest and the 4396  
location at which the vehicle may be picked up. At the time of 4397  
the seizure of the vehicle, the law enforcement officer who made 4398  
the arrest shall give the arrested person written notice that 4399  
the vehicle and its license plates have been seized; that the 4400  
vehicle either will be kept by the officer's law enforcement 4401  
agency or will be immobilized at least until the operator's 4402  
initial appearance on the charge of the offense for which the 4403  
arrest was made; that, at the initial appearance, the court in 4404  
certain circumstances may order that the vehicle and license 4405  
plates be released to the arrested person until the disposition 4406  
of that charge; and that, if the arrested person is convicted of 4407  
that charge, the court generally must order the immobilization 4408  
of the vehicle and the impoundment of its license plates, or the 4409  
forfeiture of the vehicle. 4410

(3) The arresting officer or a law enforcement officer of 4411  
the agency that employs the arresting officer shall give written 4412  
notice of the seizure to the court that will conduct the initial 4413  
appearance of the arrested person on the charges arising out of 4414  
the arrest. Upon receipt of the notice, the court promptly shall 4415  
determine whether the arrested person is the vehicle owner. If 4416  
the court determines that the arrested person is not the vehicle 4417  
owner, it promptly shall send by regular mail written notice of 4418

the seizure to the vehicle's registered owner. The written 4419  
notice shall contain all of the information required by division 4420  
(B) (2) of this section to be in a notice to be given to the 4421  
arrested person and also shall specify the date, time, and place 4422  
of the arrested person's initial appearance. The notice also 4423  
shall inform the vehicle owner that if title to a motor vehicle 4424  
that is subject to an order for criminal forfeiture under this 4425  
section is assigned or transferred and division (B) (2) or (3) of 4426  
section 4503.234 of the Revised Code applies, the court may fine 4427  
the arrested person the value of the vehicle. The notice also 4428  
shall state that if the vehicle is immobilized under division 4429  
(A) of section 4503.233 of the Revised Code, seven days after 4430  
the end of the period of immobilization a law enforcement agency 4431  
will send the vehicle owner a notice, informing the owner that 4432  
if the release of the vehicle is not obtained in accordance with 4433  
division (D) (3) of section 4503.233 of the Revised Code, the 4434  
vehicle shall be forfeited. The notice also shall inform the 4435  
vehicle owner that the vehicle owner may be charged expenses or 4436  
charges incurred under this section and section 4503.233 of the 4437  
Revised Code for the removal and storage of the vehicle. 4438

The written notice that is given to the arrested person 4439  
also shall state that if the person is convicted of or pleads 4440  
guilty to the offense and the court issues an immobilization and 4441  
impoundment order relative to that vehicle, division (D) (4) of 4442  
section 4503.233 of the Revised Code prohibits the vehicle from 4443  
being sold during the period of immobilization without the prior 4444  
approval of the court. 4445

(4) At or before the initial appearance, the vehicle owner 4446  
may file a motion requesting the court to order that the vehicle 4447  
and its license plates be released to the vehicle owner. Except 4448  
as provided in this division and subject to the payment of 4449

expenses or charges incurred in the removal and storage of the 4450  
vehicle, the court, in its discretion, then may issue an order 4451  
releasing the vehicle and its license plates to the vehicle 4452  
owner. Such an order may be conditioned upon such terms as the 4453  
court determines appropriate, including the posting of a bond in 4454  
an amount determined by the court. If the arrested person is not 4455  
the vehicle owner and if the vehicle owner is not present at the 4456  
arrested person's initial appearance, and if the court believes 4457  
that the vehicle owner was not provided with adequate notice of 4458  
the initial appearance, the court, in its discretion, may allow 4459  
the vehicle owner to file a motion within seven days of the 4460  
initial appearance. If the court allows the vehicle owner to 4461  
file such a motion after the initial appearance, the extension 4462  
of time granted by the court does not extend the time within 4463  
which the initial appearance is to be conducted. If the court 4464  
issues an order for the release of the vehicle and its license 4465  
plates, a copy of the order shall be made available to the 4466  
vehicle owner. If the vehicle owner presents a copy of the order 4467  
to the law enforcement agency that employs the law enforcement 4468  
officer who arrested the arrested person, the law enforcement 4469  
agency promptly shall release the vehicle and its license plates 4470  
to the vehicle owner upon payment by the vehicle owner of any 4471  
expenses or charges incurred in the removal and storage of the 4472  
vehicle. 4473

(5) A vehicle seized under division (B)(1) of this section 4474  
either shall be towed to a place specified by the law 4475  
enforcement agency that employs the arresting officer to be 4476  
safely kept by the agency at that place for the time and in the 4477  
manner specified in this section or shall be otherwise 4478  
immobilized for the time and in the manner specified in this 4479  
section. A law enforcement officer of that agency shall remove 4480

the identification license plates of the vehicle, and they shall 4481  
be safely kept by the agency for the time and in the manner 4482  
specified in this section. No vehicle that is seized and either 4483  
towed or immobilized pursuant to this division shall be 4484  
considered contraband for purposes of Chapter 2981. of the 4485  
Revised Code. The vehicle shall not be immobilized at any place 4486  
other than a commercially operated private storage lot, a place 4487  
owned by a law enforcement agency or other government agency, or 4488  
a place to which one of the following applies: 4489

(a) The place is leased by or otherwise under the control 4490  
of a law enforcement agency or other government agency. 4491

(b) The place is owned by the vehicle operator, the 4492  
vehicle operator's spouse, or a parent or child of the vehicle 4493  
operator. 4494

(c) The place is owned by a private person or entity, and, 4495  
prior to the immobilization, the private entity or person that 4496  
owns the place, or the authorized agent of that private entity 4497  
or person, has given express written consent for the 4498  
immobilization to be carried out at that place. 4499

(d) The place is a street or highway on which the vehicle 4500  
is parked in accordance with the law. 4501

(C) (1) A vehicle seized under division (B) of this section 4502  
shall be safely kept at the place to which it is towed or 4503  
otherwise moved by the law enforcement agency that employs the 4504  
arresting officer until the initial appearance of the arrested 4505  
person relative to the charge in question. The license plates of 4506  
the vehicle that are removed pursuant to division (B) of this 4507  
section shall be safely kept by the law enforcement agency that 4508  
employs the arresting officer until the initial appearance of 4509

the arrested person relative to the charge in question. 4510

(2) (a) At the initial appearance or not less than seven 4511  
days prior to the date of final disposition, the court shall 4512  
notify the arrested person that, if title to a motor vehicle 4513  
that is subject to an order for criminal forfeiture under this 4514  
section is assigned or transferred and division (B) (2) or (3) of 4515  
section 4503.234 of the Revised Code applies, the court may fine 4516  
the arrested person the value of the vehicle. If, at the initial 4517  
appearance, the arrested person pleads guilty to the violation 4518  
of division (A) of section 4511.19 of the Revised Code or of the 4519  
municipal OVI ordinance or pleads no contest to and is convicted 4520  
of the violation, the court shall impose sentence upon the 4521  
person as provided by law or ordinance; the court shall order 4522  
the immobilization of the vehicle the arrested person was 4523  
operating at the time of the offense if registered in the 4524  
arrested person's name and the impoundment of its license plates 4525  
under section 4503.233 and section 4511.19 or 4511.193 of the 4526  
Revised Code or the criminal forfeiture to the state of the 4527  
vehicle if registered in the arrested person's name under 4528  
section 4503.234 and section 4511.19 or 4511.193 of the Revised 4529  
Code, whichever is applicable; and the vehicle and its license 4530  
plates shall not be returned or released to the arrested person. 4531

(b) If, at any time, the charge that the arrested person 4532  
violated division (A) of section 4511.19 of the Revised Code or 4533  
the municipal OVI ordinance is dismissed for any reason, the 4534  
court shall order that the vehicle seized at the time of the 4535  
arrest and its license plates immediately be released to the 4536  
person. 4537

(D) If a vehicle and its license plates are seized under 4538  
division (B) of this section and are not returned or released to 4539



the arrested person pursuant to division (C) of this section, 4540  
the vehicle and its license plates shall be retained until the 4541  
final disposition of the charge in question. Upon the final 4542  
disposition of that charge, the court shall do whichever of the 4543  
following is applicable: 4544

(1) If the arrested person is convicted of or pleads 4545  
guilty to the violation of division (A) of section 4511.19 of 4546  
the Revised Code or of the municipal OVI ordinance, the court 4547  
shall impose sentence upon the person as provided by law or 4548  
ordinance and shall order the immobilization of the vehicle the 4549  
person was operating at the time of the offense if it is 4550  
registered in the arrested person's name and the impoundment of 4551  
its license plates under section 4503.233 and section 4511.19 or 4552  
4511.193 of the Revised Code, or the criminal forfeiture of the 4553  
vehicle if it is registered in the arrested person's name under 4554  
section 4503.234 and section 4511.19 or 4511.193 of the Revised 4555  
Code, whichever is applicable. 4556

(2) If the arrested person is found not guilty of the 4557  
violation of division (A) of section 4511.19 of the Revised Code 4558  
or of the municipal OVI ordinance, the court shall order that 4559  
the vehicle and its license plates immediately be released to 4560  
the arrested person. 4561

(3) If the charge that the arrested person violated 4562  
division (A) of section 4511.19 of the Revised Code or the 4563  
municipal OVI ordinance is dismissed for any reason, the court 4564  
shall order that the vehicle and its license plates immediately 4565  
be released to the arrested person. 4566

(4) If the impoundment of the vehicle was not authorized 4567  
under this section, the court shall order that the vehicle and 4568  
its license plates be returned immediately to the arrested 4569

person or, if the arrested person is not the vehicle owner, to 4570  
the vehicle owner, and shall order that the state or political 4571  
subdivision of the law enforcement agency served by the law 4572  
enforcement officer who seized the vehicle pay all expenses and 4573  
charges incurred in its removal and storage. 4574

(E) If a vehicle is seized under division (B) of this 4575  
section, the time between the seizure of the vehicle and either 4576  
its release to the arrested person under division (C) of this 4577  
section or the issuance of an order of immobilization of the 4578  
vehicle under section 4503.233 of the Revised Code shall be 4579  
credited against the period of immobilization ordered by the 4580  
court. 4581

(F) (1) Except as provided in division (D) (4) of this 4582  
section, the arrested person may be charged expenses or charges 4583  
incurred in the removal and storage of the immobilized vehicle. 4584  
The court with jurisdiction over the case, after notice to all 4585  
interested parties, including lienholders, and after an 4586  
opportunity for them to be heard, if the court finds that the 4587  
arrested person does not intend to seek release of the vehicle 4588  
at the end of the period of immobilization under section 4589  
4503.233 of the Revised Code or that the arrested person is not 4590  
or will not be able to pay the expenses and charges incurred in 4591  
its removal and storage, may order that title to the vehicle be 4592  
transferred, in order of priority, first into the name of the 4593  
person or entity that removed it, next into the name of a 4594  
lienholder, or lastly into the name of the owner of the place of 4595  
storage. 4596

Any lienholder that receives title under a court order 4597  
shall do so on the condition that it pay any expenses or charges 4598  
incurred in the vehicle's removal and storage. If the person or 4599

entity that receives title to the vehicle is the person or 4600  
entity that removed it, the person or entity shall receive title 4601  
on the condition that it pay any lien on the vehicle. The court 4602  
shall not order that title be transferred to any person or 4603  
entity other than the owner of the place of storage if the 4604  
person or entity refuses to receive the title. Any person or 4605  
entity that receives title either may keep title to the vehicle 4606  
or may dispose of the vehicle in any legal manner that it 4607  
considers appropriate, including assignment of the certificate 4608  
of title to the motor vehicle to a salvage dealer or a scrap 4609  
metal processing facility. The person or entity shall not 4610  
transfer the vehicle to the person who is the vehicle's 4611  
immediate previous owner. 4612

If the person or entity that receives title assigns the 4613  
motor vehicle to a salvage dealer or scrap metal processing 4614  
facility, the person or entity shall send the assigned 4615  
certificate of title to the motor vehicle to the clerk of the 4616  
court of common pleas of the county in which the salvage dealer 4617  
or scrap metal processing facility is located. The person or 4618  
entity shall mark the face of the certificate of title with the 4619  
words "FOR DESTRUCTION" and shall deliver a photocopy of the 4620  
certificate of title to the salvage dealer or scrap metal 4621  
processing facility for its records. 4622

(2) Whenever a court issues an order under division (F) (1) 4623  
of this section, the court also shall order removal of the 4624  
license plates from the vehicle and cause them to be sent to the 4625  
registrar of motor vehicles if they have not already been sent 4626  
to the registrar. Thereafter, no further proceedings shall take 4627  
place under this section or under section 4503.233 of the 4628  
Revised Code. 4629

(3) Prior to initiating a proceeding under division (F) (1) 4630  
of this section, and upon payment of the fee under division (B) 4631  
of section 4505.14 of the Revised Code, any interested party may 4632  
cause a search to be made of the public records of the bureau of 4633  
motor vehicles or the clerk of the court of common pleas, to 4634  
ascertain the identity of any lienholder of the vehicle. The 4635  
initiating party shall furnish this information to the clerk of 4636  
the court with jurisdiction over the case, and the clerk shall 4637  
provide notice to the arrested person, any lienholder, and any 4638  
other interested parties listed by the initiating party, at the 4639  
last known address supplied by the initiating party, by 4640  
certified mail or, at the option of the initiating party, by 4641  
personal service or ordinary mail. 4642

Sec. 4511.199. (A) Any court with jurisdiction over any 4643  
case involving a violation of section 4511.19 of the Revised 4644  
Code or a substantially equivalent municipal ordinance shall 4645  
compile a record of all such cases. The record shall include all 4646  
of the following: 4647

(1) The offense or offenses originally charged; 4648

(2) Whether the alleged offender had previously committed 4649  
any violation of section 4511.19 of the Revised Code or any 4650  
equivalent offense as defined in section 4511.181 of the Revised 4651  
Code, and if applicable, the date each offense was committed; 4652

(3) The results of any test conducted under section 4653  
4511.191 of the Revised Code or if the offender refused to 4654  
consent to such a test, and if a suspension was imposed under 4655  
that section; 4656

(4) The disposition of the case; 4657

(5) All penalties imposed upon the offender as a result of 4658

the case disposition. 4659

(B) Each court shall submit all records compiled pursuant 4660  
to division (A) of this section to the supreme court on a 4661  
monthly basis. On or before the last day of March of each year, 4662  
the supreme court shall produce a report that summarizes the 4663  
records submitted to the court during the previous calendar year 4664  
and shall make that report available to the public. 4665

**Section 2.** That existing sections 1547.99, 1905.01, 4666  
2903.06, 2903.08, 2929.142, 3327.10, 4510.13, 4510.17, 4510.43, 4667  
4510.44, 4510.45, 4510.46, 4511.19, 4511.191, 4511.193, and 4668  
4511.195 of the Revised Code are hereby repealed. 4669

**Section 3.** The Registrar of Motor Vehicles shall study the 4670  
effect of this bill on the number of certified ignition 4671  
interlock devices installed in this state, the number of drunk 4672  
driving accidents and deaths, and the recidivism rate for OVI 4673  
offenses. Not later than 48 months after the effective date of 4674  
this bill, the Registrar shall issue a report on its findings to 4675  
the Governor, the President of the Senate, the Minority Leader 4676  
of the Senate, the Speaker of the House of Representatives, and 4677  
the Minority Leader of the House of Representatives. 4678