

AN ACT

To amend sections 109.77, 3781.111, 4503.44, 4511.69, 4511.99, 4731.99, and 4734.99 and to enact sections 4731.481 and 4734.23 of the Revised Code to increase the penalties for a violation of the special parking privileges established for persons with certain disabilities, to make changes in the application process for removable windshield placards, to clarify the status of certain enforcement agents of the Department of Public Safety in regard to completion of a peace officer training program, and to declare an emergency.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 109.77, 3781.111, 4503.44, 4511.69, 4511.99, 4731.99, and 4734.99 be amended and sections 4731.481 and 4734.23 of the Revised Code be enacted to read as follows:

Sec. 109.77. (A) As used in this section, "felony" has the same meaning as in section 109.511 of the Revised Code.

(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A state university law enforcement officer;

(f) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;

(g) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code.

(2) Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as any of the following shall forfeit the appointed position unless the person previously has completed satisfactorily or, within the time prescribed by rules adopted by the attorney general pursuant to section 109.74 of the Revised Code, satisfactorily completes a state, county, municipal, or department of natural resources peace officer basic training program for temporary or probationary officers and is awarded a certificate by the director attesting to the satisfactory completion of the program:

(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;

(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;

(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;

(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;

(e) A special police officer employed by the department of mental health pursuant to section 5119.14 of the Revised Code or the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code;

(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code.

(3) For purposes of division (B) of this section, a state, county, municipal, or department of natural resources peace officer basic training program, regardless of whether the program is to be completed by peace officers appointed on a permanent or temporary, probationary, or other nonpermanent basis, shall include at least fifteen hours of training in the

handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code and at least six hours of crisis intervention training. The requirement to complete fifteen hours of training in the handling of the offense of domestic violence, other types of domestic violence-related offenses and incidents, and protection orders and consent agreements issued or approved under section 2919.26 or 3113.31 of the Revised Code does not apply to any person serving as a peace officer on March 27, 1979, and the requirement to complete six hours of training in crisis intervention does not apply to any person serving as a peace officer on April 4, 1985. Any person who is serving as a peace officer on April 4, 1985, who terminates that employment after that date, and who subsequently is hired as a peace officer by the same or another law enforcement agency shall complete the six hours of training in crisis intervention within the time prescribed by rules adopted by the attorney general pursuant to section 109.742 of the Revised Code. No peace officer shall have employment as a peace officer terminated and then be reinstated with intent to circumvent this section.

(4) Division (B) of this section does not apply to any person serving on a permanent basis on March 28, 1985, as a park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources or as an employee of a park district under section 511.232 or 1545.13 of the Revised Code, to any person serving on a permanent basis on March 6, 1986, as an employee of a conservancy district designated pursuant to section 6101.75 of the Revised Code, to any person serving on a permanent basis on January 10, 1991, as a preserve officer of the department of natural resources, to any person employed on a permanent basis on July 2, 1992, as a special police officer by the department of mental health pursuant to section 5119.14 of the Revised Code or by the department of mental retardation and developmental disabilities pursuant to section 5123.13 of the Revised Code, ~~or~~ to any person serving on a permanent basis on June 19, 1978, as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code and who, immediately prior to June 19, 1978, was serving as a special police officer designated under authority of that section, or to any person serving on a permanent basis on September 20, 1984, as a liquor control investigator, known after June 30, 1999, as an enforcement agent of the department of public safety, engaged in the enforcement of Chapters 4301. and 4303. of the Revised Code.

(5) Division (B) of this section does not apply to any person who is appointed as a regional transit authority police officer pursuant to division

(Y) of section 306.35 of the Revised Code if, on or before July 1, 1996, the person has completed satisfactorily an approved state, county, municipal, or department of natural resources peace officer basic training program and has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of such an approved program and if, on July 1, 1996, the person is performing peace officer functions for a regional transit authority.

(C) No person, after September 20, 1984, shall receive an original appointment on a permanent basis as an Ohio veterans' home police officer designated under section 5907.02 of the Revised Code unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved police officer basic training program. Every person who is appointed on a temporary basis or for a probationary term or on other than a permanent basis as an Ohio veterans' home police officer designated under section 5907.02 of the Revised Code shall forfeit that position unless the person previously has completed satisfactorily or, within one year from the time of appointment, satisfactorily completes an approved police officer basic training program.

(D) No bailiff or deputy bailiff of a court of record of this state and no criminal investigator who is employed by the state public defender shall carry a firearm, as defined in section 2923.11 of the Revised Code, while on duty unless the bailiff, deputy bailiff, or criminal investigator has done or received one of the following:

(1) Has been awarded a certificate by the executive director of the Ohio peace officer training commission, which certificate attests to satisfactory completion of an approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and for criminal investigators employed by the state public defender that has been recommended by the Ohio peace officer training commission;

(2) Has successfully completed a firearms training program approved by the Ohio peace officer training commission prior to employment as a bailiff, deputy bailiff, or criminal investigator;

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in the case of a criminal investigator, by the state public defender and has received training in the use of firearms that the Ohio peace officer training commission determines is equivalent to the training that otherwise is required by division (D) of this section.

(E)(1) Prior to awarding any certificate prescribed in this section, the

executive director of the Ohio peace officer training commission shall request the person to whom the certificate is to be awarded to disclose, and the person shall disclose, any previous criminal conviction of or plea of guilty of that person to a felony.

(2) Prior to the award by the executive director of the commission of any certificate prescribed in this section, the prospective employer of the person to whom the certificate is to be awarded or the commander of the peace officer training school attended by that person shall request the bureau of criminal identification and investigation to conduct a criminal history records check on the person. Upon receipt of the request, the bureau promptly shall conduct a criminal history records check on the person and, upon completion of the check, promptly shall provide a copy of the criminal history records check to the prospective employer or peace officer training school commander that made the request. Upon receipt of the copy of the criminal history records check from the bureau, the prospective employer or peace officer training school commander that made the request shall submit the copy to the executive director of the Ohio peace officer training commission. The executive director shall not award any certificate prescribed in this section unless the executive director has received a copy of the criminal history records check on the person to whom the certificate is to be awarded.

(3) The executive director of the commission shall not award a certificate prescribed in this section to a person who has been convicted of or has pleaded guilty to a felony or who fails to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(4) The executive director of the commission shall revoke the certificate awarded to a person as prescribed in this section, and that person shall forfeit all of the benefits derived from being certified as a peace officer under this section, if the person, prior to the award of the certificate, failed to disclose any previous criminal conviction of or plea of guilty to a felony as required under division (E)(1) of this section.

(F)(1) Regardless of whether the person has been awarded the certificate or has been classified as a peace officer prior to, on, or after October 16, 1996, the executive director of the Ohio peace officer training commission shall revoke any certificate that has been awarded to a person as prescribed in this section if the person does either of the following:

(a) Pleads guilty to a felony committed on or after January 1, 1997.

(b) Pleads guilty to a misdemeanor committed on or after January 1, 1997, pursuant to a negotiated plea agreement as provided in division (D) of

section 2929.29 of the Revised Code in which the person agrees to surrender the certificate awarded to the person under this section.

(2) The executive director of the commission shall suspend any certificate that has been awarded to a person as prescribed in this section if the person is convicted, after trial, of a felony committed on or after January 1, 1997. The executive director shall suspend the certificate pursuant to division (F)(2) of this section pending the outcome of an appeal by the person from that conviction to the highest court to which the appeal is taken or until the expiration of the period in which an appeal is required to be filed. If the person files an appeal that results in that person's acquittal of the felony or conviction of a misdemeanor, or in the dismissal of the felony charge against that person, the executive director shall reinstate the certificate awarded to the person under this section. If the person files an appeal from that person's conviction of the felony and the conviction is upheld by the highest court to which the appeal is taken or if the person does not file a timely appeal, the executive director shall revoke the certificate awarded to the person under this section.

(G)(1) If a person is awarded a certificate under this section and the certificate is revoked pursuant to division (E)(4) or (F) of this section, the person shall not be eligible to receive, at any time, a certificate attesting to the person's satisfactory completion of a peace officer basic training program.

(2) The revocation or suspension of a certificate under division (E)(4) or (F) of this section shall be in accordance with Chapter 119. of the Revised Code.

(H)(1) A person who was employed as a peace officer of a county, township, or municipal corporation of the state on January 1, 1966, and who has completed at least sixteen years of full-time active service as such a peace officer may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.

(2) Any person who held an appointment as a state highway trooper on January 1, 1966, may receive an original appointment on a permanent basis and serve as a peace officer of a county, township, or municipal corporation, or as a state university law enforcement officer, without complying with the requirements of division (B) of this section.

(I) No person who is appointed as a peace officer of a county, township, or municipal corporation on or after April 9, 1985, shall serve as a peace officer of that county, township, or municipal corporation unless the person

has received training in the handling of missing children and child abuse and neglect cases from an approved state, county, township, or municipal police officer basic training program or receives the training within the time prescribed by rules adopted by the attorney general pursuant to section 109.741 of the Revised Code.

(J) No part of any approved state, county, or municipal basic training program for bailiffs and deputy bailiffs of courts of record and no part of any approved state, county, or municipal basic training program for criminal investigators employed by the state public defender shall be used as credit toward the completion by a peace officer of any part of the approved state, county, or municipal peace officer basic training program that the peace officer is required by this section to complete satisfactorily.

(K) This section does not apply to any member of the police department of a municipal corporation in an adjoining state serving in this state under a contract pursuant to section 737.04 of the Revised Code.

Sec. 3781.111. (A) In addition to the powers conferred by any other section of the Revised Code, the board of building standards shall adopt standards and rules to facilitate the reasonable access and use by all handicapped persons of all buildings and the facilities of buildings for which plans are submitted for approval under section 3791.04 of the Revised Code. No standard or rule shall be applied to any building the plans or drawings, specifications, and date of which have been approved prior to the time that the standard or rule takes effect.

(B) Except as otherwise provided in this section, the standards and rules adopted by the board pursuant to this section shall be in accordance with THE "~~The~~ Americans ~~With~~ WITH Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101, as amended, and THE "~~The~~ Fair Housing Amendments ACT of 1988," 102 Stat. 1619, 42 U.S.C.A. 3601, as amended.

(C) All signs posted to designate special parking locations for handicapped persons and persons with disabilities that limit or impair the ability to walk in accordance with division (E) of section 4511.69 of the Revised Code and the standards and rules adopted pursuant to this section shall be mounted on a fixed or movable post or otherwise affixed in a vertical position at a height so that the sign is clearly visible to the driver of a vehicle when parked in such a location. If a new sign or a replacement sign designating a special parking location is posted on or after the effective date of this amendment, There also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be

parked in that location.

(D) As used in this section, "handicapped person" has the same meaning as in section 4112.01 of the Revised Code. As used in division (C) of this section, "persons with disabilities that limit or impair the ability to walk" has the same meaning as in division (A)(1) of section 4503.44 of the Revised Code.

(E) No owner of a building or facility where special parking locations for handicapped persons must be designated in accordance with the standards and rules adopted pursuant to this section shall fail to properly mark the special parking locations as required by those standards and rules or fail to maintain the markings of the special parking locations, including the erection and maintenance of the fixed or movable signs.

Sec. 4503.44. (A) As used in this section and in section 4511.69 of the Revised Code:

(1) "Person with a disability that limits or impairs the ability to walk" means any person who, as determined by a physician or chiropractor, meets any of the following criteria:

(a) Cannot walk two hundred feet without stopping to rest;

(b) Cannot walk without the use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assistive device;

(c) Is restricted by a lung disease to such an extent that the person's forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty millimeters of mercury on room air at rest;

(d) Uses portable oxygen;

(e) Has a cardiac condition to the extent that the person's functional limitations are classified in severity as class III or class IV according to standards set by the American heart association;

(f) Is severely limited in the ability to walk due to an arthritic, neurological, or orthopedic condition;

(g) Is blind.

(2) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports persons with disabilities that limit or impair the ability to walk on a regular basis in a motor vehicle that has not been altered for the purpose of providing it with special equipment for use by handicapped persons. This definition does not apply to division (J) of this section.

(3) "Physician" means a person licensed to practice medicine or surgery

or osteopathic medicine and surgery under Chapter 4731. of the Revised Code.

(4) "Chiropractor" means a person licensed to practice chiropractic under Chapter 4734. of the Revised Code.

(B) Any organization or person with a disability that limits or impairs the ability to walk may apply to the registrar of motor vehicles for a removable windshield placard or, if the person owns or leases a motor vehicle, the person may apply for the registration of any motor vehicle the person owns or leases. In addition to one or more sets of license plates or one placard, a person with a disability that limits or impairs the ability to walk ~~shall be~~ is entitled to one additional placard, but only if the person applies separately for the additional placard, states the reasons why the additional placard is needed, and the registrar, in the registrar's discretion, determines that good and justifiable cause exists to approve the request for the additional placard. When a motor vehicle has been altered for the purpose of providing it with special equipment for a person with a disability that limits or impairs the ability to walk, but is owned or leased by someone other than such a person, the owner or lessee may apply to the registrar or a deputy registrar for registration under this section. The application for registration of a removable windshield placard made motor vehicle owned or leased by a person with a disability that limits or impairs the ability to walk ~~or for registration of a motor vehicle owned or leased by such a person~~ shall be accompanied by a signed statement from the applicant's personal physician or chiropractor certifying that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for more than six consecutive months. The application for a removable windshield placard made by a person with a disability that limits or impairs the ability to walk shall be accompanied by a prescription from the applicant's personal physician or chiropractor prescribing such a placard for the applicant, and by a signed statement certifying that the applicant meets at least one of the criteria contained in division (A)(1) of this section. The physician or chiropractor shall state on the prescription the length of time the physician or chiropractor expects the applicant to have the disability that limits or impairs the applicant's ability to walk. The application for a removable windshield placard made by an organization shall be accompanied by such documentary evidence of regular transport of persons with disabilities that limit or impair the ability to walk by the organization as the registrar may require by rule and shall be completed in accordance with procedures that the registrar may require by rule. The application for registration of a motor vehicle that has been altered

for the purpose of providing it with special equipment for a person with a disability that limits or impairs the ability to walk but is owned by someone other than such a person shall be accompanied by such documentary evidence of vehicle alterations as the registrar may require by rule.

(C) When an organization, a person with a disability that limits or impairs the ability to walk, or a person who does not have a disability that limits or impairs the ability to walk but owns a motor vehicle that has been altered for the purpose of providing it with special equipment for a person with a disability that limits or impairs the ability to walk first submits an application for registration of a motor vehicle under this section and every ~~five~~ year thereafter, the organization or person shall submit a signed statement from the applicant's personal physician or chiropractor ~~or, a completed application, and any required~~ documentary evidence of vehicle alterations as provided in division (B) of this section, and also a power of attorney from the owner of the motor vehicle if the applicant leases the vehicle. Upon submission of these items, the registrar or deputy registrar shall issue to the applicant appropriate vehicle registration and a set of license plates and validation stickers, or validation stickers alone when required by section 4503.191 of the Revised Code. In addition to the letters and numbers ordinarily inscribed thereon, the license plates shall be imprinted with the international symbol of access. The license plates and validation stickers shall be issued upon payment of the regular license fee as prescribed under section 4503.04 of the Revised Code and any motor vehicle tax levied under Chapter 4504. of the Revised Code, and the payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code.

(D)(1) Upon receipt of ~~an~~ a completed and signed application for a removable windshield placard ~~and presentation of a signed statement from the applicant's personal physician or chiropractor as provided in division (B) of this section, if required, or presentation of, a prescription as described in division (B) of this section,~~ documentary evidence of regular transport of persons with disabilities that limit or impair the ability to walk, if required, and, ~~except as otherwise provided in division (F) of this section, payment of a fee of five dollars, and the~~ payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a removable windshield placard, which shall bear the date of expiration on both sides of the placard, ~~in numerals at least one inch in height, and printed in white on a blue-colored background,~~ and shall be valid until expired, revoked, or surrendered. Every removable windshield placard ~~shall expire on the last~~

~~day of the month in the fifth year after the date it is issued expires as described in division (D)(2) of this section, but in no case shall a removable windshield placard be valid for a period of less than sixty days~~ Removable windshield placards shall be renewable upon application as provided in division (B) of this section, and a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code shall be charged for the renewal of a removable windshield placard. ~~An additional renewal fee of five dollars shall be charged if the previous parking card or removable windshield placard expired more than six months prior to the date of application for renewal.~~ The registrar shall provide the application form and shall determine the information to be included thereon. The registrar also shall determine the form and size of the removable windshield placard, the material of which it is to be made, and any other information to be included thereon, and shall adopt rules relating to the issuance, expiration, revocation, surrender, and proper display of such placards. Any placard issued after the effective date of this amendment shall be manufactured in a manner that allows the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

(2) At the time a removable windshield placard is issued to a person with a disability that limits or impairs the ability to walk, the registrar or deputy registrar shall enter into the records of the bureau of motor vehicles the last date on which the person will have that disability, as indicated on the accompanying prescription. Not less than thirty days prior to that date and all removable windshield placard renewal dates, the bureau shall send a renewal notice to that person at the person's last known address as shown in the records of the bureau, informing the person that the person's removable windshield placard will expire on the indicated date not to exceed five years from the date of issuance, and that the person is required to renew the placard by submitting to the registrar or a deputy registrar another prescription, as described in division (B) of this section, and by complying with the renewal provisions prescribed in division (D)(1) of this section. If such a prescription is not received by the registrar or a deputy registrar by that date, the placard issued to that person expires and no longer is valid, and this fact shall be recorded in the records of the bureau.

(3) At least once every year, on a date determined by the registrar, the bureau shall examine the records of the office of vital statistics, located within the department of health, that pertain to deceased persons, and also the bureau's records of all persons who have been issued removable windshield placards and temporary removable windshield placards. If the

records of the office of vital statistics indicate that a person to whom a removable windshield placard or temporary removable windshield placard has been issued is deceased, the bureau shall cancel that placard, and note the cancellation in its records.

The office of vital statistics shall make available to the bureau all information necessary to enable the bureau to comply with division (D)(3) of this section.

(4) Nothing in this section shall be construed to require a person or organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(E) Any person with a disability that limits or impairs the ability to walk may apply to the registrar or a deputy registrar for a temporary removable windshield placard. The application for a temporary removable windshield placard shall be accompanied by a ~~signed statement~~ prescription from the applicant's personal physician or chiropractor prescribing such a placard for the applicant, and by a signed statement certifying that the applicant meets at least one of the criteria contained in division (A)(1) of this section and that the disability is expected to continue for six consecutive months or less. The physician or chiropractor shall state on the prescription the length of time the physician or chiropractor expects the applicant to have the disability that limits or impairs the applicant's ability to walk, which cannot exceed six months from the date of the prescription. Upon receipt of an application for a temporary removable windshield placard, presentation of the prescription and the signed statement from the applicant's personal physician or chiropractor, ~~payment of a fee of five dollars,~~ and payment of a service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the Revised Code, the registrar or deputy registrar shall issue to the applicant a temporary removable windshield placard. The temporary removable windshield placard shall be of the same size and form as the removable windshield placard, shall be printed in white on a red-colored background, and shall bear the word "temporary" in letters of such size as the registrar shall prescribe. A temporary removable windshield placard also shall bear the date of expiration on the front and back of the placard, in numerals at least one inch in height, and shall be valid until expired, surrendered, or revoked, but in no case shall such a placard be valid for a period of less than sixty days. The registrar shall provide the application form and shall determine the information to be included on it. The registrar also shall determine the material of which the temporary removable

windshield placard is to be made and any other information to be included on the placard and shall adopt rules relating to the issuance, expiration, surrender, revocation, and proper display of those placards. Any temporary removable windshield placard issued after the effective date of this amendment shall be manufactured in a manner that allows for the expiration date of the placard to be indicated on it through the punching, drilling, boring, or creation by any other means of holes in the placard.

(F) If an applicant for a removable windshield placard ~~or a temporary removable windshield placard~~ is a veteran of the armed forces of the United States whose disability, as defined in division (A)(1) of this section, is service-connected, the registrar or deputy registrar, upon receipt of the application, presentation of a signed statement from the applicant's personal physician or chiropractor certifying ~~the period for which~~ the applicant's disability ~~is expected to continue~~, and presentation of such documentary evidence from the department of veterans affairs that the disability of the applicant meets at least one of the criteria identified in division (A)(1) of this section and is service-connected as the registrar may require by rule, but without the payment of any ~~fee for issuance or of any~~ service fee, shall issue the applicant a removable windshield placard ~~or temporary removable windshield placard, as the case may be~~, that ~~shall be~~ is valid until expired, surrendered, or revoked.

Upon a conviction of a violation of division (H), (I), or (J) of this section, the court shall report the conviction, and send the placard or parking card, if available, to the registrar, who ~~shall~~ thereupon shall revoke the privilege of using the placard or parking card and send notice in writing to the placardholder or cardholder at that holder's last known address as shown in the records of the bureau ~~of motor vehicles~~, and the placardholder or cardholder shall return the placard or card if not previously surrendered to the court, to the registrar within ten days following mailing of the notice.

Whenever a person to whom a removable windshield placard or parking card has been issued moves to another state, the person shall surrender the placard or card to the registrar; and whenever an organization to which a placard or card has been issued changes its place of operation to another state, the organization shall surrender the placard or card to the registrar.

(G) Subject to ~~the provisions of~~ division (F) of section 4511.69 of the Revised Code, the operator of a motor vehicle displaying a removable windshield placard, temporary removable windshield placard, parking card, or the special license plates authorized by this section ~~shall be~~ is entitled to park the motor vehicle in any special parking location reserved for persons with disabilities that limit or impair the ability to walk, also known as

handicapped parking spaces or disability parking spaces.

(H) No person or organization that is not eligible under division (B) or (E) of this section shall willfully and falsely represent that the person or organization is so eligible.

No person or organization shall display license plates issued under this section unless the license plates have been issued for the vehicle on which they are displayed and are valid.

(I) No person or organization to which a removable windshield placard or temporary removable windshield placard is issued shall do either of the following:

(1) Display or permit the display of the placard on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for persons with disabilities that limit or impair the ability to walk;

(2) Refuse to return or surrender the placard, when required.

(J)(1) No person or organization to which a parking card is issued shall do either of the following:

(a) Display or permit the display of the parking card on any motor vehicle when having reasonable cause to believe the motor vehicle is being used in connection with an activity that does not include providing transportation for a handicapped person;

(b) Refuse to return or surrender the parking card, when required.

(2) As used in division (J) of this section:

(a) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move about without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

(b) "Organization" means any private organization or corporation, or any governmental board, agency, department, division, or office, that, as part of its business or program, transports handicapped persons on a regular basis in a motor vehicle that has not been altered for the purposes of providing it with special equipment for use by handicapped persons.

(K) If a removable windshield placard, temporary removable windshield placard, or parking card is lost, destroyed, or mutilated, the placardholder or cardholder may obtain a duplicate by doing both of the following:

(1) Furnishing suitable proof of the loss, destruction, or mutilation to the registrar;

(2) Paying a ~~fee of five dollars for issuance, plus a~~ service fee equal to the amount specified in division (D) or (G) of section 4503.10 of the

sed Code.

Any placardholder or cardholder ~~losing~~ who loses a placard or card and, after obtaining a duplicate, ~~finding~~ finds the original, immediately shall surrender the original placard or card to the registrar.

(L) The registrar shall pay all fees received under this section for the issuance of removable windshield placards or temporary removable windshield placards or duplicate removable windshield placards or cards into the state treasury to the credit of the state bureau of motor vehicles fund created in section 4501.25 of the Revised Code.

(M) For purposes of enforcing this section, every peace officer is deemed to be an agent of the registrar. Any peace officer or any authorized employee of the bureau of motor vehicles who, in the performance of duties authorized by law, becomes aware of a person whose placard or parking card has been revoked pursuant to this section, may confiscate that placard or parking card and return it to the registrar. The registrar shall prescribe any forms used by law enforcement agencies in administering this section.

No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau ~~shall be~~ is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division (B) of section 2935.01 of the Revised Code.

(N) all applications for registration of motor vehicles, removable windshield placards, and temporary removable windshield placards issued under this section, all renewal notices for such items, and all other publications issued by the bureau that relate to this section shall set forth the criminal penalties that may be imposed upon a person who violates any provision relating to special license plates issued under this section, the parking of vehicles displaying such license plates, and the issuance, procurement, use, and display of removable windshield placards and temporary removable windshield placards issued under this section.

Sec. 4511.69. (A) Every vehicle stopped or parked upon a roadway where there is an adjacent curb shall be stopped or parked with the right-hand wheels of the vehicle parallel with and not more than twelve inches from the right-hand curb, unless it is impossible to approach so close to the curb; in such case the stop shall be made as close to the curb as possible and only for the time necessary to discharge and receive passengers or to load or unload merchandise. Local authorities ~~may~~ by ordinance may permit angle parking on any roadway under their jurisdiction, except that angle parking shall not be permitted on a state route within a municipal

corporation unless an unoccupied roadway width of not less than twenty-five feet is available for free-moving traffic.

(B) Local authorities ~~may~~ by ordinance may permit parking of vehicles with the left-hand wheels adjacent to and within twelve inches of the left-hand curb of a one-way roadway.

(C) No vehicle or trackless trolley shall be stopped or parked on a road or highway with the vehicle or trackless trolley facing in a direction other than the direction of travel on that side of the road or highway.

(D) Notwithstanding any statute or any rule, resolution, or ordinance adopted by any local authority, air compressors, tractors, trucks, and other equipment, while being used in the construction, reconstruction, installation, repair, or removal of facilities near, on, over, or under a street or highway, may stop, stand, or park where necessary in order to perform such work, provided a ~~flagman~~ flagperson is on duty or warning signs or lights are displayed as may be prescribed by the director of transportation.

(E) Special parking locations and privileges for persons with disabilities that limit or impair the ability to walk, also known as handicapped parking spaces or disability parking spaces, shall be provided and designated by all political subdivisions and by the state and all agencies and instrumentalities thereof at all offices and facilities, where parking is provided, whether owned, rented, or leased, and at all publicly owned parking garages. The locations shall be designated through the posting of an elevated sign, whether permanently affixed or movable, imprinted with the international symbol of access and shall be reasonably close to exits, entrances, elevators, and ramps. All elevated signs posted in accordance with this division and division ~~(B)~~(C) of section 3781.111 of the Revised Code shall be mounted on a fixed or movable post, and the distance from the ground to the top edge of the sign shall measure five feet. If a new sign or a replacement sign designating a special parking location is posted on or after the effective date of this amendment, There also shall be affixed upon the surface of that sign or affixed next to the designating sign a notice that states the fine applicable for the offense of parking a motor vehicle in the special designated parking location if the motor vehicle is not legally entitled to be parked in that location.

(F)(1) No person shall stop, stand, or park any motor vehicle at special parking locations provided under division (E) of this section or at special clearly marked parking locations provided in or on privately owned parking lots, parking garages, or other parking areas and designated in accordance with that division, unless one of the following applies:

~~(1)~~(a) The motor vehicle is being operated by or for the transport of a

person with a disability that limits or impairs the ability to walk and is displaying a valid removable windshield placard or special license plates;

~~(2)~~(b) The motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates.

(2) Any motor vehicle that is parked in a special marked parking location in violation of division (F)(1)(a) or (b) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles.

(3) If a person is charged with a violation of division (F)(1)(a) or (b) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in division (A)(1) of section 4503.44 of the Revised Code.

(G) When a motor vehicle is being operated by or for the transport of a person with a disability that limits or impairs the ability to walk and is displaying a removable windshield placard or a temporary removable windshield placard or special license plates, or when a motor vehicle is being operated by or for the transport of a handicapped person and is displaying a parking card or special handicapped license plates, the motor vehicle ~~shall be~~ is permitted to park for a period of two hours in excess of the legal parking period permitted by local authorities, except where local ordinances or police rules provide otherwise or where the vehicle is parked in such a manner as to be clearly a traffic hazard.

(H) No owner of an office, facility, or parking garage where special parking locations ~~must~~ are required to be designated in accordance with division (E) of this section shall fail to properly mark the special parking locations ~~as required by~~ in accordance with that division or fail to maintain the markings of the special locations, including the erection and maintenance of the fixed or movable signs.

(I) Nothing in this section shall be construed to require a person or

organization to apply for a removable windshield placard or special license plates if the parking card or special license plates issued to the person or organization under prior law have not expired or been surrendered or revoked.

(J) As used in this section:

(1) "Handicapped person" means any person who has lost the use of one or both legs or one or both arms, who is blind, deaf, or so severely handicapped as to be unable to move without the aid of crutches or a wheelchair, or whose mobility is restricted by a permanent cardiovascular, pulmonary, or other handicapping condition.

(2) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

(3) "Special license plates" and "removable windshield placard" mean any license plates or removable windshield placard or temporary removable windshield placard issued under section 4503.41 or 4503.44 of the Revised Code, and also mean any substantially similar license plates or removable windshield placard or temporary removable windshield placard issued by a state, district, country, or sovereignty.

Sec. 4511.99. (A) Whoever violates division (A) of section 4511.19 of the Revised Code, in addition to the license suspension or revocation provided in section 4507.16 of the Revised Code and any disqualification imposed under section 4506.16 of the Revised Code, shall be punished as provided in division (A)(1), (2), (3), or (4) of this section.

(1) Except as otherwise provided in division (A)(2), (3), or (4) of this section, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred and not more than one thousand dollars.

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court places the offender on probation for part of the three consecutive days; requires the offender to attend, for that part of the three consecutive days, a

drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on the offender's progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

Of the fine imposed pursuant to this division, twenty-five dollars shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing section 4511.19 of the Revised Code or a substantially similar municipal ordinance and in informing the public of the laws governing the operation of a motor vehicle while under the influence of alcohol, the dangers of operating a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Twenty-five dollars of the fine imposed pursuant to this division shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (N) of section 4511.191 of the Revised Code. The balance of the fine shall be disbursed as otherwise provided by law.

(2)(a) Except as otherwise provided in division (A)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is

substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the offender is guilty of a misdemeanor of the first degree and, except as provided in this division, the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to section 2929.21 of the Revised Code to a longer term of imprisonment. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (A)(8) of this section, the court may impose upon the offender a sentence consisting of both a term of imprisonment of five consecutive days and not less than eighteen consecutive days of electronically monitored house arrest as defined in division (A) of section 2929.23 of the Revised Code. The five consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed six months. The five consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than three hundred and not more than one thousand five hundred dollars.

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to section 3793.10 of the Revised Code. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender.

Of the fine imposed pursuant to this division, thirty-five dollars shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance and in informing the public of the laws governing the operation of a motor vehicle while under the influence of alcohol, the dangers of operating a motor vehicle while under the influence of alcohol, and other information relating to the

operation of a motor vehicle and the consumption of alcoholic beverages. Sixty-five dollars of the fine imposed pursuant to this division shall be paid to the political subdivision responsible for housing the offender during the offender's term of incarceration. This share shall be used by the political subdivision to pay or reimburse incarceration costs it incurs in housing persons who violate section 4511.19 of the Revised Code or a substantially similar municipal ordinance and to pay for ignition interlock devices and electronic house arrest equipment for persons who violate that section, and shall be paid to the credit of the fund that pays the cost of the incarceration. Fifty dollars of the fine imposed pursuant to this division shall be deposited into the county indigent drivers alcohol treatment fund or municipal indigent drivers alcohol treatment fund under the control of that court, as created by the county or municipal corporation pursuant to division (N) of section 4511.191 of the Revised Code. The balance of the fine shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to the penalties imposed under division (A)(2)(a) of this section and all other penalties provided by law and subject to section 4503.235 of the Revised Code, shall order the immobilization for ninety days of the vehicle the offender was operating at the time of the offense and the impoundment for ninety days of the identification license plates of that vehicle. The order for the immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.

(3)(a) Except as otherwise provided in division (A)(4) of this section, if, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division

(A) or (B) of section 4511.19 of the Revised Code, except as provided in this division, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. As an alternative to the term of imprisonment required to be imposed by this division, but subject to division (A)(8) of this section, the court may impose upon the offender a sentence consisting of both a term of imprisonment of fifteen consecutive days and not less than fifty-five consecutive days of electronically monitored house arrest as defined in division (A) of section 2929.23 of the Revised Code. The fifteen consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed one year. The fifteen consecutive days of imprisonment do not have to be served prior to or consecutively with the period of electronically monitored house arrest.

In addition, the court shall impose upon the offender a fine of not less than five hundred and not more than two thousand five hundred dollars.

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from that court's indigent drivers alcohol treatment fund.

Of the fine imposed pursuant to this division, one hundred twenty-three dollars shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing section 4511.19 of the Revised Code or a substantially similar municipal ordinance and in informing the public of the laws governing the operation of a motor vehicle while under the influence of alcohol, the dangers of operating a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Two hundred twenty-seven dollars of the fine imposed pursuant to this division shall be paid to the political subdivision responsible for housing the offender during the offender's term of incarceration. This share shall be used by the political subdivision to pay or reimburse incarceration costs it incurs in housing persons who violate division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance and to pay for ignition interlock

devices and electronic house arrest equipment for persons who violate that section and shall be paid to the credit of the fund that pays the cost of incarceration. The balance of the fine shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was operating at the time of the offense is registered in the offender's name or in the name of another person, the court, in addition to the penalties imposed under division (A)(3)(a) of this section and all other penalties provided by law and subject to section 4503.235 of the Revised Code, shall order the immobilization for one hundred eighty days of the vehicle the offender was operating at the time of the offense and the impoundment for one hundred eighty days of the identification license plates of that vehicle. The order for the immobilization and impoundment shall be issued and enforced in accordance with section 4503.233 of the Revised Code.

(4)(a) If, within six years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, or if the offender previously has been convicted of or pleaded guilty to a violation of division (A) of section 4511.19 of the Revised Code under circumstances in which the violation was a felony and regardless of when the violation and the conviction or guilty plea occurred, the offender is guilty of a felony of the fourth degree. The court shall sentence the offender in accordance with sections 2929.11 to 2929.19 of the Revised Code and shall impose as part of the sentence a mandatory term of local incarceration of sixty consecutive days of imprisonment in accordance with division (G)(1) of section 2929.13 of the Revised Code or a mandatory prison term of sixty consecutive days of imprisonment in accordance with division (G)(2) of that section, whichever is applicable. If the offender is required to serve a mandatory term of local

incarceration of sixty consecutive days of imprisonment in accordance with division (G)(1) of section 2929.13 of the Revised Code, the court, pursuant to section 2929.17 of the Revised Code, may impose upon the offender a sentence that includes a term of electronically monitored house arrest, provided that the term of electronically monitored house arrest shall not commence until after the offender has served the mandatory term of local incarceration.

In addition to all other sanctions imposed, the court shall impose upon the offender, pursuant to section 2929.18 of the Revised Code, a fine of not less than seven hundred fifty nor more than ten thousand dollars.

In addition to any other sanction that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by section 3793.02 of the Revised Code. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of attendance at the treatment program, the court may order that payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund.

Of the fine imposed pursuant to this division, two hundred ten dollars shall be paid to an enforcement and education fund established by the legislative authority of the law enforcement agency in this state that primarily was responsible for the arrest of the offender, as determined by the court that imposes the fine. This share shall be used by the agency to pay only those costs it incurs in enforcing section 4511.19 of the Revised Code or a substantially similar municipal ordinance and in informing the public of the laws governing operation of a motor vehicle while under the influence of alcohol, the dangers of operation of a motor vehicle while under the influence of alcohol, and other information relating to the operation of a motor vehicle and the consumption of alcoholic beverages. Three hundred ninety dollars of the fine imposed pursuant to this division shall be paid to the political subdivision responsible for housing the offender during the offender's term of incarceration. This share shall be used by the political subdivision to pay or reimburse incarceration costs it incurs in housing persons who violate division (A) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance and to pay for ignition interlock devices and electronic house arrest equipment for persons who violate that section, and shall be paid to the credit of the fund that pays the cost of incarceration. The balance of the fine shall be disbursed as otherwise provided by law.

(b) Regardless of whether the vehicle the offender was operating at the

time of the offense is registered in the offender's name or in the name of another person, the court, in addition to the sanctions imposed under division (A)(4)(a) of this section and all other sanctions provided by law and subject to section 4503.235 of the Revised Code, shall order the criminal forfeiture to the state of the vehicle the offender was operating at the time of the offense. The order of criminal forfeiture shall be issued and enforced in accordance with section 4503.234 of the Revised Code.

(c) As used in division (A)(4)(a) of this section, "mandatory prison term" and "mandatory term of local incarceration" have the same meanings as in section 2929.01 of the Revised Code.

If title to a motor vehicle that is subject to an order for criminal forfeiture under this section is assigned or transferred and division (C)(2) or (3) of section 4503.234 of the Revised Code applies, in addition to or independent of any other penalty established by law, the court may fine the offender the value of the vehicle as determined by publications of the national auto dealer's association. The proceeds from any fine imposed under this division shall be distributed in accordance with division (D)(4) of section 4503.234 of the Revised Code.

(5)(a) Except as provided in division (A)(5)(b) of this section, upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to division (A)(1), (2), (3), or (4) of this section to continue the offender's employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, or thirty consecutive days of imprisonment or the mandatory term of local incarceration of sixty consecutive days that the court is required by division (A)(1), (2), (3), or (4) of this section to impose. No court shall authorize work release from imprisonment during the three, ten, or thirty consecutive days of imprisonment or the mandatory term of local incarceration or mandatory prison term of sixty consecutive days that the court is required by division (A)(1), (2), (3), or (4) of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

(b) An offender who is sentenced pursuant to division (A)(2) or (3) of this section to a term of imprisonment followed by a period of electronically monitored house arrest is not eligible for work release from imprisonment, but that person shall be permitted work release during the period of electronically monitored house arrest. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and

from the place of employment and the offender's home or other place specified by the sentencing court and the time actually spent under employment.

(6) Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence, the placement of an offender in any treatment program in lieu of imprisonment, or the use of a community control sanction for an offender convicted of a felony, no court shall suspend the ten or thirty consecutive days of imprisonment required to be imposed on an offender by division (A)(2) or (3) of this section, no court shall place an offender who is sentenced pursuant to division (A)(2), (3), or (4) of this section in any treatment program in lieu of imprisonment until after the offender has served the ten or thirty consecutive days of imprisonment or the mandatory term of local incarceration or mandatory prison term of sixty consecutive days required to be imposed pursuant to division (A)(2), (3), or (4) of this section, no court that sentences an offender under division (A)(4) of this section shall impose any sanction other than a mandatory term of local incarceration or mandatory prison term to apply to the offender until after the offender has served the mandatory term of local incarceration or mandatory prison term of sixty consecutive days required to be imposed pursuant to division (A)(4) of this section, and no court that imposes a sentence of imprisonment and a period of electronically monitored house arrest upon an offender under division (A)(2) or (3) of this section shall suspend any portion of the sentence or place the offender in any treatment program in lieu of imprisonment or electronically monitored house arrest. Notwithstanding any section of the Revised Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (A)(1) of this section, shall suspend the three consecutive days of imprisonment required to be imposed by division (A)(1) of this section or place an offender who is sentenced pursuant to division (A)(1) of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (A)(1) of this section.

(7) No court shall sentence an offender to an alcohol treatment program pursuant to division (A)(1), (2), (3), or (4) of this section unless the treatment program complies with the minimum standards adopted pursuant to Chapter 3793. of the Revised Code by the director of alcohol and drug addiction services.

(8) No court shall impose the alternative sentence of a term of

imprisonment of five consecutive days plus not less than eighteen consecutive days of electronically monitored house arrest permitted to be imposed by division (A)(2) of this section, or the alternative sentence of a term of imprisonment of fifteen consecutive days plus not less than fifty-five consecutive days of electronically monitored house arrest permitted to be imposed pursuant to division (A)(3) of this section, unless within sixty days of the date of sentencing, the court issues a written finding, entered into the record, that due to the unavailability of space at the incarceration facility where the offender is required to serve the term of imprisonment imposed upon the offender, the offender will not be able to commence serving the term of imprisonment within the sixty-day period following the date of sentencing. If the court issues such a finding, the court may impose the alternative sentence comprised of a term of imprisonment and a term of electronically monitored house arrest permitted to be imposed by division (A)(2) or (3) of this section.

(B) Whoever violates section 4511.192, 4511.251, or 4511.85 of the Revised Code is guilty of a misdemeanor of the first degree. The court, in addition to or independent of all other penalties provided by law, may suspend for a period not to exceed one year the driver's or commercial driver's license or permit or nonresident operating privilege of any person who pleads guilty to or is convicted of a violation of section 4511.192 of the Revised Code.

(C) Whoever violates section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is guilty of one of the following:

(1) Except as otherwise provided in division (C)(2) of this section, a minor misdemeanor.

(2) If the offender previously has been convicted of or pleaded guilty to one or more violations of section 4511.63, 4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, a misdemeanor of the fourth degree.

(D)(1) Whoever violates any provision of sections 4511.01 to 4511.76 or section 4511.84 of the Revised Code, for which no penalty otherwise is provided in this section is guilty of one of the following:

(a) Except as otherwise provided in division (D)(1)(b), (1)(c), (2), or (3) of this section, a minor misdemeanor;

(b) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to one violation of any provision of sections 4511.01 to 4511.76 or section 4511.84 of the Revised Code for which no

penalty otherwise is provided in this section or a municipal ordinance that is substantially similar to any provision of sections 4511.01 to 4511.76 or section 4511.84 of the Revised Code for which no penalty otherwise is provided in this section, a misdemeanor of the fourth degree;

(c) If, within one year of the offense, the offender previously has been convicted of or pleaded guilty to two or more violations of any provision described in division (D)(1)(b) of this section or any municipal ordinance that is substantially similar to any of those provisions, a misdemeanor of the third degree.

(2) When any person is found guilty of a first offense for a violation of section 4511.21 of the Revised Code upon a finding that the person operated a motor vehicle faster than thirty-five miles an hour in a business district of a municipal corporation, or faster than fifty miles an hour in other portions, or faster than thirty-five miles an hour while passing through a school zone during recess or while children are going to or leaving school during the opening or closing hours, the person is guilty of a misdemeanor of the fourth degree.

(3) Notwithstanding section 2929.21 of the Revised Code, upon a finding that such person operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender who alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division, provided the court determines the offender is an indigent person and is unable to pay the fine.

(E) Whenever a person is found guilty in a court of record of a violation of section 4511.761, 4511.762, or 4511.77 of the Revised Code, the trial judge, in addition to or independent of all other penalties provided by law, may suspend for any period of time not exceeding three years, or revoke the license of any person, partnership, association, or corporation, issued under section 4511.763 of the Revised Code.

(F) Whoever violates division (E) or (F) of section 4511.51, division (A), (D), or (E) of section 4511.521, section 4511.681, division (A); or (C); ~~or (F)~~ of section 4511.69, section 4511.772, or division (A) or (B) of section 4511.82 of the Revised Code is guilty of a minor misdemeanor.

(G) Whoever violates division (A) of section 4511.75 of the Revised Code may be fined an amount not to exceed five hundred dollars. A person who is issued a citation for a violation of division (A) of section 4511.75 of

the Revised Code is not permitted to enter a written plea of guilty and waive the person's right to contest the citation in a trial, but instead must appear in person in the proper court to answer the charge.

(H)(1) Whoever is a resident of this state and violates division (A) or (B) of section 4511.81 of the Revised Code shall be punished as follows:

(a) Except as otherwise provided in division (H)(1)(b) of this section, the offender is guilty of a minor misdemeanor.

(b) If the offender previously has been convicted of or pleaded guilty to a violation of division (A) or (B) of section 4511.81 of the Revised Code or of a municipal ordinance that is substantially similar to either of those divisions, the offender is guilty of a misdemeanor of the fourth degree.

(2) Whoever is not a resident of this state, violates division (A) or (B) of section 4511.81 of the Revised Code, and fails to prove by a preponderance of the evidence that the offender's use or nonuse of a child restraint system was in accordance with the law of the state of which the offender is a resident is guilty of a minor misdemeanor on a first offense; on a second or subsequent offense, that person is guilty of a misdemeanor of the fourth degree.

(3) Sixty-five per cent of every fine imposed pursuant to division (H)(1) or (2) of this section shall be forwarded to the treasurer of state for deposit in the "child highway safety fund" created by division (G) of section 4511.81 of the Revised Code. The balance of the fine shall be disbursed as otherwise provided by law.

(I) Whoever violates section 4511.202 of the Revised Code is guilty of operating a motor vehicle without being in control of it, a minor misdemeanor.

(J) Whoever violates division (B) of section 4511.74, division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of section 4511.83 of the Revised Code is guilty of a misdemeanor of the first degree.

(K) Except as otherwise provided in this division, whoever violates division (E) of section 4511.11, division (A) or (C) of section 4511.17, or section 4511.18 of the Revised Code is guilty of a misdemeanor of the third degree. If a violation of division (A) or (C) of section 4511.17 of the Revised Code creates a risk of physical harm to any person, the offender is guilty of a misdemeanor of the first degree. A violation of division (A) or (C) of section 4511.17 of the Revised Code that causes serious physical harm to property that is owned, leased, or controlled by a state or local authority is a felony of the fifth degree.

(L) Whoever violates division (H) of section 4511.69 of the Revised Code shall be punished as follows:

(1) Except as otherwise provided in division (L)(2) of this section, the offender shall be issued a warning.

(2) If the offender previously has been convicted of or pleaded guilty to a violation of division (H) of section 4511.69 of the Revised Code or of a municipal ordinance that is substantially similar to that division, the offender shall not be issued a warning but shall be fined twenty-five dollars for each parking location that is not properly marked or whose markings are not properly maintained.

(M) Whoever violates division (A)(1) or (2) of section 4511.45 of the Revised Code is guilty of a misdemeanor of the fourth degree on a first offense; on a second offense within one year after the first offense, the person is guilty of a misdemeanor of the third degree; and on each subsequent offense within one year after the first offense, the person is guilty of a misdemeanor of the second degree.

(N)(1) Whoever violates division (B) of section 4511.19 of the Revised Code is guilty of operating a motor vehicle after under-age alcohol consumption and shall be punished as follows:

(a) Except as otherwise provided in division (N)(1)(b) of this section, the offender is guilty of a misdemeanor of the fourth degree.

(b) If, within one year of the offense, the offender has been convicted of or pleaded guilty to any violation of division (A) or (B) of section 4511.19 of the Revised Code, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, section 2903.04 of the Revised Code in a case in which the offender was subject to the sanctions described in division (D) of that section, section 2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal ordinance that is substantially similar to section 2903.07 of the Revised Code in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a statute of the United States or of any other state or a municipal ordinance of a municipal corporation located in any other state that is substantially similar to division (A) or (B) of section 4511.19 of the Revised Code, the offender is guilty of a misdemeanor of the third degree.

(2) In addition to or independent of all other penalties provided by law, the offender's driver's or commercial driver's license or permit or nonresident operating privilege shall be suspended in accordance with, and for the period of time specified in, division (E) of section 4507.16 of the Revised Code.

(O) Whoever violates section 4511.62 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(P) Whoever violates division (F)(1)(a) or (b) of section 4511.69 of the Revised Code is guilty of a misdemeanor and shall be fined not less than two hundred fifty nor more than five hundred dollars, but in no case shall an offender be sentenced to any term of imprisonment.

Arrest or conviction for a violation of division (F)(1)(a) or (b) of section 4511.69 of the Revised Code does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

Every fine collected under this division shall be paid by the clerk of the court to the political subdivision in which the violation occurred. Except as provided in this division, the political subdivision shall use the fine moneys it receives under this division to pay the expenses it incurs in complying with the signage and notice requirements contained in division (E) of section 4511.69 of the Revised Code. The political subdivision may use up to fifty per cent of each fine it receives under this division to pay the costs of educational, advocacy, support, and assistive technology programs for persons with disabilities, and for public improvements within the political subdivision that benefit or assist persons with disabilities, if governmental agencies or nonprofit organizations offer the programs.

Sec. 4731.481. No physician shall do either of the following:

(A) Furnish a person with a prescription in order to enable the person to be issued a removable windshield placard, temporary removable windshield placard, or license plates under section 4503.44 of the Revised Code, knowing that the person does not meet any of the criteria contained in division (A)(1) of that section;

(B) Furnish a person with a prescription described in division (A) of this section and knowingly misstate on the prescription the length of time the physician expects the person to have the disability that limits or impairs the person's ability to walk in order to enable the person to retain a placard issued under section 4503.44 of the Revised Code for a period of time longer than that which would be estimated by a similar practitioner under the same or similar circumstances.

Sec. 4731.99. (A) Whoever violates section 4731.41, 4731.43, or 4731.60 of the Revised Code is guilty of a felony of the fifth degree on a first offense and a felony of the fourth degree on each subsequent offense.

(B) Whoever violates section 4731.49, 4731.50, or 4731.81 of the

Revised Code is guilty of a misdemeanor of the fourth degree on a first offense and a misdemeanor of the first degree on each subsequent offense.

(C) Whoever violates section 4731.46 or 4731.47 of the Revised Code is guilty of a felony of the fifth degree.

(D) Whoever violates section 4731.48 of the Revised Code is guilty of a misdemeanor of the fourth degree.

(E) Whoever violates division (A), (B), (C), or (D) of section 4731.224 of the Revised Code is guilty of a minor misdemeanor on a first offense and a misdemeanor of the fourth degree on each subsequent offense, except that an individual guilty of a subsequent offense shall not be subject to imprisonment, but to a fine alone of up to one thousand dollars for each offense.

(F) Whoever violates section 4731.481 of the Revised Code is guilty of a misdemeanor of the first degree.

Sec. 4734.23. No chiropractor shall do either of the following:

(A) Furnish a person with a prescription in order to enable the person to be issued a removable windshield placard, temporary removable windshield placard, or license plates under section 4503.44 of the Revised Code, knowing that the person does not meet any of the criteria contained in division (A)(1) of that section:

(B) Furnish a person with a prescription described in division (A) of this section and knowingly misstate on the prescription the length of time the chiropractor expects the person to have the disability that limits or impairs the person's ability to walk in order to enable the person to retain a placard issued under section 4503.44 of the Revised Code for a period of time longer than that which would be estimated by a similar practitioner under the same or similar circumstances.

Sec. 4734.99. (A) Whoever violates section 4734.17 of the Revised Code is guilty of a misdemeanor of the second degree on a first offense and a felony of the fifth degree on each subsequent offense.

(B) Whoever violates section 4734.23 of the Revised Code is guilty of a misdemeanor of the first degree.

SECTION 2. That existing sections 109.77, 3781.111, 4503.44, 4511.69, 4511.99, 4731.99, and 4734.99 of the Revised Code are hereby repealed.

SECTION 3. Sections 3781.111, 4503.44, 4511.69, 4511.99, 4731.481, 4731.99, 4734.23, and 4734.99 of the Revised Code, as enacted or amended by this act, shall take effect on the ninety-first day after this act becomes

Sub. H. B. No. 148

33

law.

SECTION 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is that the status of persons serving on a permanent basis prior to September 20, 1984, as liquor control investigators (known after June 30, 1999, as enforcement agents of the Department of Public Safety) requires clarification for those persons to continue to serve in that capacity. Therefore, this act shall go into immediate effect.

Speaker _____ of the House of Representatives.

President _____ of the Senate.

Passed _____, 20____

Approved _____, 20____

Governor.

The section numbering of law of a general and permanent nature is complete and in conformity with the Revised Code.

Director, Legislative Service Commission.

Filed in the office of the Secretary of State at Columbus, Ohio, on the
____ day of _____, A. D. 20____.

Secretary of State.

File No. _____ Effective Date _____