

As Introduced

124th General Assembly
Regular Session
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H. B. No. 342

REPRESENTATIVES Calvert, Schmidt, Schuring, Kearns, Fessler, Allen,
Schaffer, Seitz, Flowers

A BILL

To amend sections 4503.233, 4503.234, 4511.195, and 1
4511.99 of the Revised Code to require a person 2
whose motor vehicle is immobilized or foreited as a 3
result of a violation of certain motor vehicle laws 4
to pay for any expenses or charges incurred as a 5
result of the removal and storage of the vehicle. 6

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

Section 1. That sections 4503.233, 4503.234, 4511.195, and 7
4511.99 of the Revised Code be amended to read as follows: 8

Sec. 4503.233. (A)(1) As used in this section, "vehicle 9
owner" means either of the following: 10

(a) The person in whose name is registered, at the time of 11
the offense, a vehicle that is subject to an immobilization order 12
issued under division (A)(2) of this section; 13

(b) A person to whom, at the time of the offense, the 14
certificate of title to a vehicle has been assigned and who has 15
not obtained a certificate of title to the vehicle in that 16
person's name but who is deemed by the court as being the owner of 17
the vehicle at the time of the offense for which the vehicle is 18
subject to an immobilization order issued under division (A)(2) of 19

this section. 20

(2) If a court is required to order the immobilization of a 21
vehicle for a specified period of time pursuant to division (B)(1) 22
or (2), (C)(1) or (2), or (E)(1) of section 4507.99, pursuant to 23
division (A)(2)(b)~~7~~, (6)(b), or (7)(b) of section 4511.99, 24
pursuant to division (B)(1) or (2) or (C)(1) or (2) of section 25
4507.361, or pursuant to division (B)(2)~~(i) or (ii)~~(a) of section 26
4511.193 of the Revised Code, the court shall issue an 27
immobilization order, subject to section 4503.235 of the Revised 28
Code, in accordance with this division and for the period of time 29
specified in the particular division, and the immobilization under 30
the order shall be in accordance with this section. The court, at 31
the time of sentencing the offender for the offense relative to 32
which the immobilization order is issued or as soon thereafter as 33
is practicable, shall give a copy of the order to the offender or 34
the offender's counsel and to the vehicle owner or the vehicle 35
owner's counsel. The court promptly shall send a copy of the order 36
to the registrar on a form prescribed by the registrar and to the 37
person or agency it designates to execute the order. 38

The order shall indicate the date on which it is issued, 39
shall identify the vehicle that is subject to the order, and shall 40
specify all of the following: 41

(a) The period of the immobilization; 42

(b) The place at which the court determines that the 43
immobilization shall be carried out, provided that the court shall 44
not determine and shall not specify that the immobilization is to 45
be carried out at any place other than a commercially operated 46
private storage lot, a place owned by a law enforcement or other 47
government agency, or a place to which one of the following 48
applies: 49

(i) The place is leased by or otherwise under the control of 50

a law enforcement or other government agency. 51

(ii) The place is owned by the offender, the offender's 52
spouse, or a parent or child of the offender. 53

(iii) The place is owned by a private person or entity, and, 54
prior to the issuance of the order, the private entity or person 55
that owns the place, or the authorized agent of that private 56
entity or person, has given express written consent for the 57
immobilization to be carried out at that place. 58

(iv) The place is a public street or highway on which the 59
vehicle is parked in accordance with the law. 60

(c) The person or agency designated by the court to execute 61
the order, which shall be either the law enforcement agency that 62
employs the law enforcement officer who seized the vehicle, a 63
bailiff of the court, another person the court determines to be 64
appropriate to execute the order, or the law enforcement agency 65
with jurisdiction over the place of residence of the vehicle 66
owner; 67

(d) That neither the registrar nor a deputy registrar will be 68
permitted to accept an application for the license plate 69
registration of any motor vehicle in the name of the vehicle owner 70
until the immobilization fee is paid. 71

(3) The person or agency the court designates to immobilize 72
the vehicle shall seize or retain that vehicle's license plates 73
and forward them to the bureau of motor vehicles. 74

(4) In all cases, the vehicle owner shall be assessed an 75
immobilization fee of one hundred dollars, and the immobilization 76
fee shall be paid to the registrar before the vehicle may be 77
released to the vehicle owner. Neither the registrar nor a deputy 78
registrar shall accept an application for the registration of any 79
motor vehicle in the name of the vehicle owner until the 80
immobilization fee is paid. 81

(5) If the vehicle subject to the order is immobilized 82
pursuant to the order and is found being operated upon any street 83
or highway in this state during the immobilization period, it 84
shall be seized, removed from the street or highway, and 85
criminally forfeited and disposed of pursuant to section 4503.234 86
of the Revised Code. 87

(6) The registrar shall deposit the immobilization fee into 88
the law enforcement reimbursement fund created by section 4501.19 89
of the Revised Code. Money in the fund shall be expended only as 90
provided in division (A)(6) of this section. If the court 91
designated in the order a court bailiff or another appropriate 92
person other than a law enforcement officer to immobilize the 93
vehicle, the amount of the fee deposited into the law enforcement 94
reimbursement fund shall be paid out to the county treasury if the 95
court that issued the order is a county court, to the treasury of 96
the municipal corporation served by the court if the court that 97
issued the order is a mayor's court, or to the city treasury of 98
the legislative authority of the court, both as defined in section 99
1901.03 of the Revised Code, if the court that issued the order is 100
a municipal court. If the court designated a law enforcement 101
agency to immobilize the vehicle and if the law enforcement agency 102
immobilizes the vehicle, the amount of the fee deposited into the 103
law enforcement reimbursement fund shall be paid out to the law 104
enforcement agency to reimburse the agency for the costs it incurs 105
in obtaining immobilization equipment and, if required, in sending 106
an officer or other person to search for and locate the vehicle 107
specified in the immobilization order and to immobilize the 108
vehicle. 109

(7) In addition to the immobilization fee required to be paid 110
under division (A)(4) of this section, the court shall order the 111
vehicle owner ~~may be charged~~ to pay the expenses or charges 112
incurred in the removal and storage of the immobilized vehicle. 113

(8) Any court that issues an order under division (A)(2) of this section shall require the person that removes the vehicle or stores a vehicle pursuant to the order to submit to the clerk of the court within ten days after the vehicle is removed or stored a written bill itemizing the expenses and charges for removing, storing, or removing and storing the vehicle pursuant to the order.

(B) If a court issues an immobilization order under division (A)(2) of this section, the person or agency designated by the court to execute the immobilization order promptly shall immobilize or continue the immobilization of the vehicle at the place specified by the court in the order. The registrar shall not authorize the release of the vehicle or authorize the issuance of new identification license plates for the vehicle at the end of the immobilization period until the immobilization fee has been paid.

(C) Upon receipt of the license plates for a vehicle under this section, the registrar shall destroy the license plates. At the end of the immobilization period and upon the payment of the immobilization fee that must be paid under this section, the registrar shall authorize the release of the vehicle and authorize the issuance, upon the payment of the same fee as is required for the replacement of lost, mutilated, or destroyed license plates and certificates of registration, of new license plates and, if necessary, a new certificate of registration to the vehicle owner for the vehicle in question.

(D)(1) If a court issues an immobilization order under division (A) of this section, the immobilization period commences on the day on which the vehicle in question is immobilized. If the vehicle in question had been seized under section 4507.38 or 4511.195 of the Revised Code, the time between the seizure and the beginning of the immobilization period shall be credited against

the immobilization period specified in the immobilization order 146
issued under division (A) of this section. No vehicle that is 147
impounded under this section is eligible to have special license 148
plates of the type described in section 4503.231 of the Revised 149
Code issued for that vehicle. 150

(2) If a court issues an immobilization order under division 151
(A) of this section, if the vehicle subject to the order is 152
immobilized under the order, and if the vehicle is found being 153
operated upon any street or highway of this state during the 154
immobilization period, it shall be seized, removed from the street 155
or highway, and criminally forfeited, and disposed of pursuant to 156
section 4503.234 of the Revised Code. No vehicle that is forfeited 157
under this provision shall be considered contraband for purposes 158
of section 2933.41, 2933.42, or 2933.43 of the Revised Code, but 159
shall be held by the law enforcement agency that employs the 160
officer who seized it for disposal in accordance with section 161
4503.234 of the Revised Code. 162

(3) If a court issues an immobilization order under division 163
(A) of this section, and if the vehicle is not claimed within 164
seven days after the end of the period of immobilization or if the 165
vehicle owner has not paid the immobilization fee, the person or 166
agency that immobilized the vehicle shall send a written notice to 167
the vehicle owner at the vehicle owner's last known address 168
informing the vehicle owner of the date on which the period of 169
immobilization ended, that the vehicle owner has twenty days after 170
the date of the notice to pay the immobilization fee and obtain 171
the release of the vehicle, and that if the vehicle owner does not 172
pay the fee and obtain the release of the vehicle within that 173
twenty-day period, the vehicle will be forfeited under section 174
4503.234 of the Revised Code to the entity that is entitled to the 175
immobilization fee. 176

(4) An owner of a motor vehicle that is subject to an 177

immobilization order issued under division (A) of this section 178
shall not sell the motor vehicle without approval of the court 179
that issued the order. If such an owner wishes to sell the motor 180
vehicle during the immobilization period, the owner shall apply to 181
the court that issued the immobilization order for permission to 182
assign the title to the vehicle. If the court is satisfied that 183
the sale will be in good faith and not for the purpose of 184
circumventing the provisions of division (A)(2) of this section, 185
it may certify its consent to the owner and to the registrar. Upon 186
receipt of the court's consent, the registrar shall enter the 187
court's notice in the owner's vehicle license plate registration 188
record. 189

If, during a period of immobilization under an immobilization 190
order issued under division (A) of this section, the title to the 191
immobilized motor vehicle is transferred by the foreclosure of a 192
chattel mortgage, a sale upon execution, the cancellation of a 193
conditional sales contract, or an order of a court, the involved 194
court shall notify the registrar of the action, and the registrar 195
shall enter the court's notice in the owner's vehicle license 196
plate registration record. 197

Nothing in this section shall be construed as requiring the 198
registrar or the clerk of the court of common pleas to note upon 199
the certificate of title records any prohibition regarding the 200
sale of a motor vehicle. 201

(5) If the title to a motor vehicle that is subject to an 202
immobilization order under division (A) of this section is 203
assigned or transferred without court approval between the time of 204
arrest of the person who was operating the vehicle at the time of 205
the offense for which such an order is to be issued and the time 206
of the actual immobilization of the vehicle, the court shall order 207
that, for a period of two years from the date of the order, 208
neither the registrar nor any deputy registrar shall accept an 209

application for the registration of any motor vehicle in the name
of the owner of the vehicle that was assigned or transferred
without court approval. The court shall notify the registrar of
the order on a form prescribed by the registrar for that purpose.

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(E)(1) The court with jurisdiction over the case, after
notice to all interested parties including lienholders, and after
an opportunity for them to be heard, if the vehicle owner fails to
appear in person, without good cause, or if the court finds that
the vehicle owner does not intend to seek release of the vehicle
at the end of the period of immobilization or that the vehicle
owner is not or will not be able to pay the expenses and charges
incurred in its removal and storage, may order that title to the
vehicle be transferred, in order of priority, first into the name
of the entity entitled to the immobilization fee under division
(A)(6) of this section, next into the name of a lienholder, or
lastly, into the name of the owner of the place of storage.

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A lienholder that receives title under a court order shall do
so on the condition that it pay any expenses or charges incurred
in the vehicle's removal and storage. If the entity that receives
title to the vehicle is the entity that is entitled to the
immobilization fee under division (A)(6) of this section, it shall
receive title on the condition that it pay any lien on the
vehicle. The court shall not order that title be transferred to
any person or entity other than the owner of the place of storage
if the person or entity refuses to receive the title. Any person
or entity that receives title may either keep title to the vehicle
or may dispose of the vehicle in any legal manner that it
considers appropriate, including assignment of the certificate of
title to the motor vehicle to a salvage dealer or a scrap metal
processing facility. The person or entity shall not transfer the
vehicle to the person who is the vehicle's immediate previous
owner.

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If the person or entity assigns the motor vehicle to a salvage dealer or scrap metal processing facility, the person or entity shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located. The person or entity shall mark the face of the certificate of title with the words "FOR DESTRUCTION" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

(2) Whenever a court issues an order under division (E)(1) of this section, the court also shall order removal of the license plates from the vehicle and cause them to be sent to the registrar if they have not already been sent to the registrar. Thereafter, no further proceedings shall take place under this section, but the vehicle owner remains liable for payment of the immobilization fee described in division (A)(4) of this section if an immobilization order previously had been issued by the court.

(3) Prior to initiating a proceeding under division (E)(1) of this section, and upon payment of the fee under division (B) of section 4505.14 of the Revised Code, any interested party may cause a search to be made of the public records of the bureau of motor vehicles or the clerk of the court of common pleas, to ascertain the identity of any lienholder of the vehicle. The initiating party shall furnish this information to the clerk of the court with jurisdiction over the case, and the clerk shall provide notice to the vehicle owner, the defendant, any lienholder, and any other interested parties listed by the initiating party, at the last known address supplied by the initiating party, by certified mail or, at the option of the initiating party, by personal service or ordinary mail.

As used in this section, "interested party" includes the vehicle owner, all lienholders, the defendant, the owner of the

place of storage, the person or entity that caused the vehicle to 274
be removed, and the person or entity, if any, entitled to the 275
immobilization fee under division (A)(6) of this section. 276

Sec. 4503.234. (A) As used in this section, "vehicle owner" 277
means the person in whose name is registered a vehicle that is 278
subject to an order of forfeiture issued under this section. 279

(B) If a court is required by section 4503.233, 4503.236, 280
4507.361, 4507.99, 4511.193, or 4511.99 of the Revised Code to 281
order the criminal forfeiture of a vehicle, the order shall be 282
issued and enforced in accordance with this division, subject to 283
division (C) of this section and section 4503.235 of the Revised 284
Code. An order of criminal forfeiture issued under this division 285
shall authorize an appropriate law enforcement agency to seize the 286
vehicle ordered criminally forfeited upon the terms and conditions 287
that the court determines proper. No vehicle ordered criminally 288
forfeited pursuant to this division shall be considered contraband 289
for purposes of section 2933.41, 2933.42, or 2933.43 of the 290
Revised Code, but shall be held by the law enforcement agency that 291
employs the officer who seized it for disposal in accordance with 292
this section. A forfeiture order may be issued only after the 293
vehicle owner has been provided with an opportunity to be heard. 294
The prosecuting attorney shall give the vehicle owner written 295
notice of the possibility of forfeiture by sending a copy of the 296
relevant uniform traffic ticket or other written notice to the 297
vehicle owner not less than seven days prior to the date of 298
issuance of the forfeiture order. A vehicle is subject to an order 299
of criminal forfeiture pursuant to this division upon the 300
conviction of the offender of or plea of guilty by the offender to 301
a violation of division (A) of section 4503.236, division (B)(1) 302
or (D)(2) of section 4507.02, section 4507.33, or division (A) of 303
section 4511.19 of the Revised Code, or a municipal ordinance that 304
is substantially equivalent to division (A) of section 4503.236, 305

division (B)(1) or (D)(2) of section 4507.02, section 4507.33, or
division (A) of section 4511.19 of the Revised Code.

If the court issues an order in accordance with this division
for the criminal forfeiture of a vehicle, it also shall order the
vehicle owner to pay the expenses or charges incurred in the
removal and storage of the forfeited vehicle. The court also shall
require the person that removes the vehicle or stores the vehicle
pursuant to the order to submit to the clerk of the court within
ten days after the vehicle is removed or stored a written bill
itemizing the expenses and charges for removing, storing, or
removing and storing the vehicle pursuant to the order.

(C)(1) Prior to the issuance of an order of criminal
forfeiture pursuant to division (B) of this section, the law
enforcement agency that employs the law enforcement officer who
seized the vehicle shall conduct or cause to be conducted a search
of the appropriate public records that relate to the vehicle and
shall make or cause to be made reasonably diligent inquiries to
identify any lienholder or any person or entity with an ownership
interest in the vehicle. The court that is to issue the forfeiture
order also shall cause a notice of the potential order relative to
the vehicle and of the expected manner of disposition of the
vehicle after its forfeiture to be sent to any lienholder or
person who is known to the court to have any right, title, or
interest in the vehicle. The court shall give the notice by
certified mail, return receipt requested, or by personal service.

(2) No order of criminal forfeiture shall be issued pursuant
to division (B) of this section if a lienholder or other person
with an ownership interest in the vehicle establishes to the
court, by a preponderance of the evidence after filing a motion
with the court, that the lienholder or other ~~that~~ person neither
knew nor should have known after a reasonable inquiry that the
vehicle would be used or involved, or likely would be used or

involved, in the violation resulting in the issuance of the order 338
of criminal forfeiture or the violation of the order of 339
immobilization issued under section 4503.233 of the Revised Code, 340
that the lienholder or other ~~that~~ person did not expressly or 341
impliedly consent to the use or involvement of the vehicle in that 342
violation, and that the lien or ownership interest was perfected 343
pursuant to law prior to the seizure of the vehicle under section 344
4503.236, 4507.38, or 4511.195 of the Revised Code. If the 345
lienholder or holder of the ownership interest satisfies the court 346
that these criteria have been met, the court shall preserve ~~the~~ 347
~~holder's~~ the lienholder's or other person's lien or interest, and 348
the court either shall return the vehicle to the holder, ~~the~~ 349
~~holder's~~ or shall order that the ~~the holder's~~ proceeds of any sale 350
held pursuant to division (D) of this section be paid to the 351
lienholder or holder of the interest less the costs of seizure, 352
storage, and maintenance of the vehicle. The court shall not 353
return a vehicle to a lienholder or a holder of an ownership 354
interest under division (C)(2) of this section unless the 355
lienholder or holder submits an affidavit to the court that states 356
that the lienholder or holder will not return the vehicle to the 357
person from whom the vehicle was seized pursuant to the order of 358
criminal forfeiture or to any member of that person's family and 359
will not otherwise knowingly permit that person or any member of 360
that person's family to obtain possession of the vehicle. 361

(3) No order of criminal forfeiture shall be issued pursuant 362
to division (B) of this section if a person with an interest in 363
the vehicle establishes to the court, by a preponderance of the 364
evidence after filing a motion with the court, that the person 365
neither knew nor should have known after a reasonable inquiry that 366
the vehicle had been used or was involved in the violation 367
resulting in the issuance of the order of criminal forfeiture or 368
the violation of the order of immobilization issued under section 369
4503.233 of the Revised Code, that the person did not expressly or 370

impliedly consent to the use or involvement of the vehicle in that violation, that the interest was perfected in good faith and for value pursuant to law between the time of the arrest of the offender and the final disposition of the criminal charge in question, and that the vehicle was in the possession of the vehicle owner at the time of the perfection of the interest. If the court is satisfied that the interest holder has met these criteria, the court shall preserve ~~the holder's~~ the interest holder's interest, and the court either shall return the vehicle to the interest holder ~~the holder's~~ or order that the ~~the holder's~~ proceeds of any sale held pursuant to division (D) of this section be paid to the holder of the interest less the costs of seizure, storage, and maintenance of the vehicle. The court shall not return a vehicle to an interest holder under division (C)(3) of this section unless the holder submits an affidavit to the court stating that the holder will not return the vehicle to the person from whom the holder acquired ~~the holder's~~ the holder's interest, nor to any member of that person's family, and the holder will not otherwise knowingly permit that person or any member of that person's family to obtain possession of the vehicle.

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(D) A vehicle ordered criminally forfeited to the state pursuant to division (B) of this section shall be disposed of as follows:

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(1) It shall be given to the law enforcement agency that employs the law enforcement officer who seized the vehicle, if that agency desires to have it;

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(2) If a vehicle is not disposed of pursuant to division (D)(1) of this section, the vehicle shall be sold, without appraisal, if the value of the vehicle is two thousand dollars or more as determined by publications of the national auto dealer's association, at a public auction to the highest bidder for cash. Prior to the sale, the prosecuting attorney in the case shall

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cause a notice of the proposed sale to be given in accordance with
law. The court shall cause notice of the sale of the vehicle to be
published in a newspaper of general circulation in the county in
which the court is located at least seven days prior to the date
of the sale. The proceeds of a sale under this division or
division (G) of this section shall be applied in the following
order:

(a) First, they shall be applied to the payment of the costs
incurred in connection with the seizure, storage, and maintenance
of, and provision of security for, the vehicle, any proceeding
arising out of the forfeiture, and if any, the sale.

(b) Second, the remaining proceeds after compliance with
division (D)(2)(a) of this section, shall be applied to the
payment of the value of any lien or ownership interest in the
vehicle preserved under division (C) of this section.

(c) Third, the remaining proceeds, after compliance with
divisions (D)(2)(a) and (b) of this section, shall be applied to
the appropriate funds in accordance with divisions (D)(1)(c) and
(2) of section 2933.43 of the Revised Code, provided that the
total of the amount so deposited under this division shall not
exceed one thousand dollars. The remaining proceeds deposited
under this division shall be used only for the purposes authorized
by those divisions and division (D)(3)(a)(ii) of that section.

(d) Fourth, the remaining proceeds after compliance with
divisions (D)(2)(a) and (b) of this section and after deposit of a
total amount of one thousand dollars under division (D)(2)(c) of
this section shall be applied so that fifty per cent of those
remaining proceeds is paid into the reparation fund established by
section 2743.191 of the Revised Code, twenty-five per cent is paid
into the drug abuse resistance education programs fund created by
division (L)(2)(e) of section 4511.191 of the Revised Code and
shall be used only for the purposes authorized by division

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(L)(2)(e) of that section, and twenty-five per cent is applied to
the appropriate funds in accordance with division (D)(1)(c) of
section 2933.43 of the Revised Code. The proceeds deposited into
any fund described in section 2933.43 of the Revised Code shall be
used only for the purposes authorized by division (D)(1)(c), (2),
and (3)(a)(ii) of that section.

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(E) Notwithstanding any other provision of law, neither the
registrar of motor vehicles nor any deputy registrar shall accept
an application for the registration of any motor vehicle in the
name of any person, or register any motor vehicle in the name of
any person, if both of the following apply:

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(1) Any vehicle registered in the person's name was
criminally forfeited under division (B) of this section and
section 4503.233, 4503.236, 4507.361, 4507.99, 4511.193, or
4511.99 of the Revised Code;

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(2) Less than five years have expired since the issuance of
the most recent order of criminal forfeiture issued in relation to
a vehicle registered in the person's name.

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(F) If a court is required by section 4503.233, 4507.361,
4507.99, 4511.193, or 4511.99 of the Revised Code to order the
criminal forfeiture to the state of a vehicle, and the title to
the motor vehicle is assigned or transferred, and division (C)(2)
or (3) of this section 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 division (F) of this section shall be distributed in
accordance with division (D)(4) of this section.

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(G) As used in division (D) of this section and divisions
(D)(1)(c), (2), and (D)(3)(a)(ii) of section 2933.43 of the
Revised Code in relation to proceeds of the sale of a vehicle

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under division (D) of this section, "prosecuting attorney"
includes the prosecuting attorney, village solicitor, city
director of law, or similar chief legal officer of a municipal
corporation who prosecutes the case resulting in the conviction or
guilty plea in question.

~~(G)~~(H) If the vehicle to be forfeited has an average retail
value of less than two thousand dollars as determined by
publications of the national auto dealer's association, no public
auction is required to be held. In such a case, the court may
direct that the vehicle be disposed of in any manner that it
considers appropriate, including assignment of the certificate of
title to the motor vehicle to a salvage dealer or a scrap metal
processing facility. The court shall not transfer the vehicle to
the person who is the vehicle's immediate previous owner.

If the court assigns the motor vehicle to a salvage dealer or
scrap metal processing facility and the court is in possession of
the certificate of title to the motor vehicle, it shall send the
assigned certificate of title to the motor vehicle to the clerk of
the court of common pleas of the county in which the salvage
dealer or scrap metal processing facility is located. The court
shall mark the face of the certificate of title with the words
"FOR DESTRUCTION" and shall deliver a photocopy of the certificate
of title to the salvage dealer or scrap metal processing facility
for its records.

If the court is not in possession of the certificate of title
to the motor vehicle, the court shall issue an order transferring
ownership of the motor vehicle to a salvage dealer or scrap metal
processing facility, send the order to the clerk of the court of
common pleas of the county in which the salvage dealer or scrap
metal processing facility is located, and send a photocopy of the
order to the salvage dealer or scrap metal processing facility for
its records. The clerk shall make the proper notations or entries

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in the clerk's records concerning the disposition of the motor vehicle. 498
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Sec. 4511.195. (A) As used in this section: 500

(1) "Vehicle operator" means a person who is operating a vehicle at the time it is seized under division (B) of this section. 501
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(2) "Vehicle owner" means either of the following: 504

(a) The person in whose name is registered, at the time of the seizure, a vehicle that is seized under division (B) of this section; 505
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(b) A person to whom the certificate of title to a vehicle that is seized under division (B) of this section has been assigned and who has not obtained a certificate of title to the vehicle in that person's name, but who is deemed by the court as being the owner of the vehicle at the time the vehicle was seized under division (B) of this section. 508
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(3) "Municipal OMVI ordinance" means any municipal ordinance prohibiting the operation of a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse or prohibiting the operation of a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine. 514
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(4) "Interested party" includes the owner of a vehicle seized under this section, all lienholders, the defendant, the owner of the place of storage at which a vehicle seized under this section is stored, and the person or entity that caused the vehicle to be removed. 519
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(B)(1) The arresting officer or another officer of the law enforcement agency that employs the arresting officer, in addition to any action that the arresting officer is required or authorized to take by section 4511.191 of the Revised Code or by any other 524
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provision of law, shall seize the vehicle that a person was 528
operating at the time of the alleged offense and its license 529
plates if either of the following apply: 530

(a) The person is arrested for a violation of division (A) of 531
section 4511.19 of the Revised Code or of a municipal OMVI 532
ordinance and, within six years of the alleged violation, the 533
person previously has been convicted of or pleaded guilty to one 534
or more violations of the following: 535

(i) Division (A) or (B) of section 4511.19 of the Revised 536
Code; 537

(ii) A municipal OMVI ordinance; 538

(iii) Section 2903.04 of the Revised Code in a case in which 539
the offender was subject to the sanctions described in division 540
(D) of that section; 541

(iv) Division (A)(1) of section 2903.06 or division (A)(1) of 542
section 2903.08 of the Revised Code or a municipal ordinance that 543
is substantially similar to either of those divisions; 544

(v) Division (A)(2), (3), or (4) of section 2903.06, division 545
(A)(2) of section 2903.08, or former section 2903.07 of the 546
Revised Code, or a municipal ordinance that is substantially 547
similar to any of those divisions or that former section, in a 548
case in which the jury or judge found that the offender was under 549
the influence of alcohol, a drug of abuse, or alcohol and a drug 550
of abuse; 551

(vi) A statute of the United States or of any other state or 552
a municipal ordinance of a municipal corporation located in any 553
other state that is substantially similar to division (A) or (B) 554
of section 4511.19 of the Revised Code. 555

(b) The person is arrested for a violation of division (A) of 556
section 4511.19 of the Revised Code or of a municipal OMVI 557

ordinance and the person 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, regardless of when the prior felony violation of
division (A) of section 4511.19 of the Revised Code and the
conviction or guilty plea occurred.

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(2) Except as otherwise provided in division (B) of this
section, the officer making an arrest of the type described in
division (B)(1) of this section shall seize the vehicle and its
license plates regardless of whether the vehicle is registered in
the name of the person who was operating it or in the name of
another person or entity. This section does not apply to or affect
any rented or leased vehicle that is being rented or leased for a
period of thirty days or less, except that a law enforcement
agency that employs a law enforcement officer who makes an arrest
of a type that is described in division (B)(1) of this section and
that involves a rented or leased vehicle of this type shall
notify, within twenty-four hours after the officer makes the
arrest, the lessor or owner of the vehicle regarding the
circumstances of the arrest and the location at which the vehicle
may be picked up. At the time of the seizure of the vehicle, the
law enforcement officer who made the arrest shall give the vehicle
operator written notice that the vehicle and its license plates
have been seized; that the vehicle either will be kept by the
officer's law enforcement agency or will be immobilized at least
until the operator's initial appearance on the charge of the
offense for which the arrest was made; that, at the initial
appearance, the court in certain circumstances may order that the
vehicle and license plates be released to the vehicle owner until
the disposition of that charge; that, if the vehicle operator is
convicted of that charge, the court generally must order the
immobilization of the vehicle and the impoundment of its license

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plates, or the forfeiture of the vehicle; and that, if the
operator is not the vehicle owner, the operator immediately should
inform the vehicle owner that the vehicle and its license plates
have been seized and that the vehicle owner may be able to obtain
their return or release at the initial appearance or thereafter.

(3) The arresting officer or a law enforcement officer of the
agency that employs the arresting officer shall give written
notice of the seizure to the court that will conduct the initial
appearance of the vehicle operator. The notice shall be given when
the charges are filed against the vehicle operator. Upon receipt
of the notice, the court promptly shall determine whether the
vehicle operator is the vehicle owner and whether there are any
liens recorded on the certificate of title to the vehicle. If the
court determines that the vehicle operator is not the vehicle
owner, it promptly shall send by regular mail written notice of
the seizure of the motor vehicle to the vehicle owner and to all
lienholders recorded on the certificate of title. The written
notice to the vehicle owner and lienholders shall contain all of
the information required by division (B)(2) of this section to be
in a notice to be given to the vehicle operator and also shall
specify the date, time, and place of the vehicle operator's
initial appearance. The notice also shall inform the vehicle owner
that 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, the court may fine the vehicle operator the value of the
vehicle. The notice to the vehicle owner also shall state that if
the vehicle is immobilized under division (A) of section 4503.233
of the Revised Code, seven days after the end of the period of
immobilization a law enforcement agency will send the vehicle
owner a notice, informing the vehicle owner that if the release of
the vehicle is not obtained in accordance with division (D)(3) of

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section 4503.233 of the Revised Code, the vehicle shall be
forfeited. The notice also shall inform the vehicle owner that the
vehicle owner may be charged expenses or charges incurred under
this section and section 4503.233 of the Revised Code for the
removal and storage of the vehicle.

The written notice that is given to the vehicle operator or
is sent or delivered to the vehicle owner if the vehicle owner is
not the vehicle operator also shall state that if the vehicle
operator pleads guilty to or is convicted of the offense for which
the vehicle operator was arrested and the court issues an
immobilization and impoundment order relative to that vehicle,
division (D)(4) of section 4503.233 of the Revised Code prohibits
the vehicle from being sold during the period of immobilization
without the prior approval of the court.

The court shall also give written notice to the vehicle owner
that the owner is required to pay any expenses or charges incurred
in the removal and storage of the seized vehicle. The court also
shall require the person that removes the vehicle or stores the
vehicle to submit to the clerk of the court within ten days after
the vehicle is seized a written bill itemizing the expenses and
charges for removing, storing, or removing and storing the
vehicle.

(4) At or before the initial appearance, the vehicle owner
may file a motion requesting the court to order that the vehicle
and its license plates be released to the vehicle owner. Except as
provided in this division and subject to the payment of expenses
or charges incurred in the removal and storage of the vehicle, the
court, in its discretion, then may issue an order releasing the
vehicle and its license plates to the vehicle owner. Such an order
may be conditioned upon such terms as the court determines
appropriate, including the posting of a bond in an amount
determined by the court. If the vehicle operator is not the

vehicle owner and if the vehicle owner is not present at the
vehicle operator's initial appearance, and if the court believes
that the vehicle owner was not provided with adequate notice of
the initial appearance, the court, in its discretion, may allow
the vehicle owner to file a motion within seven days of the
initial appearance. If the court allows the vehicle owner to file
such a motion after the initial appearance, the extension of time
granted by the court does not extend the time within which the
initial appearance is to be conducted. If the court issues an
order for the release of the vehicle and its license plates, a
copy of the order shall be made available to the vehicle owner. If
the vehicle owner presents a copy of the order to the law
enforcement agency that employs the law enforcement officer who
arrested the person who was operating the vehicle, the law
enforcement agency promptly shall release the vehicle and its
license plates to the vehicle owner upon payment by the vehicle
owner of any expenses or charges incurred in the removal and
storage of the vehicle.

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(5) A vehicle seized under division (B)(1) of this section
either shall be towed to a place specified by the law enforcement
agency that employs the arresting officer to be safely kept by the
agency at that place for the time and in the manner specified in
this section or shall be otherwise immobilized for the time and in
the manner specified in this section. A law enforcement officer of
that agency shall remove the identification license plates of the
vehicle, and they shall be safely kept by the agency for the time
and in the manner specified in this section. No vehicle that is
seized and either towed or immobilized pursuant to this division
shall be considered contraband for purposes of section 2933.41,
2933.42, or 2933.43 of the Revised Code. The vehicle shall not be
immobilized at any place other than a commercially operated
private storage lot, a place owned by a law enforcement agency or

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other government agency, or a place to which one of the following
applies:

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

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

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

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

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

(2)(a) At the initial appearance or not less than seven days
prior to the date of final disposition, the court shall notify the
vehicle operator, if the vehicle operator is the vehicle owner,
that 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, the court may fine the vehicle operator the value of the
vehicle. If, at the initial appearance, the vehicle operator
pleads guilty to the violation of division (A) of section 4511.19

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of the Revised Code or of the municipal OMVI ordinance or pleads
no contest to and is convicted of the violation, the court shall
impose sentence upon the vehicle operator as provided by law or
ordinance; the court, except as provided in this division and
subject to section 4503.235 of the Revised Code, shall order the
immobilization of the vehicle and the impoundment of its license
plates under section 4503.233 and section 4511.193 or 4511.99 of
the Revised Code, or the criminal forfeiture of the vehicle under
section 4503.234 and section 4511.193 or 4511.99 of the Revised
Code, whichever is applicable; and the vehicle and its license
plates shall not be returned or released to the vehicle owner. If
the vehicle operator is not the vehicle owner and the vehicle
owner is not present at the vehicle operator's initial appearance
and if the court believes that the vehicle owner was not provided
adequate notice of the initial appearance, the court, in its
discretion, may refrain for a period of time not exceeding seven
days from ordering the immobilization of the vehicle and the
impoundment of its license plates, or the criminal forfeiture of
the vehicle so that the vehicle owner may appear before the court
to present evidence as to why the court should not order the
immobilization of the vehicle and the impoundment of its license
plates, or the criminal forfeiture of the vehicle. If the court
refrains from ordering the immobilization of the vehicle and the
impoundment of its license plates, or the criminal forfeiture of
the vehicle, section 4503.235 of the Revised Code applies relative
to the order of immobilization and impoundment, or the order of
forfeiture.

(b) If, at any time, the charge that the vehicle operator
violated division (A) of section 4511.19 of the Revised Code or
the municipal OMVI ordinance is dismissed for any reason, the
court shall order that the vehicle seized at the time of the
arrest and its license plates immediately be released to the

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vehicle owner subject to the payment of expenses or charges 749
incurred in the removal and storage of the vehicle. 750

(D) If a vehicle is seized under division (B) of this section 751
and is not returned or released to the vehicle owner pursuant to 752
division (C) of this section, the vehicle or its license plates 753
shall be retained until the final disposition of the charge in 754
question. Upon the final disposition of that charge, the court 755
shall do whichever of the following is applicable: 756
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(1) If the vehicle operator is convicted of or pleads guilty 758
to the violation of division (A) of section 4511.19 of the Revised 759
Code or of the municipal OMVI ordinance, the court shall impose 760
sentence upon the vehicle operator as provided by law or ordinance 761
and, subject to section 4503.235 of the Revised Code, shall order 762
the immobilization of the vehicle the vehicle operator was 763
operating at the time of, or that was involved in, the offense and 764
the impoundment of its license plates under section 4503.233 and 765
section 4511.193 or 4511.99 of the Revised Code, or the criminal 766
forfeiture of the vehicle under section 4503.234 and section 767
4511.193 or 4511.99 of the Revised Code, whichever is applicable. 768

(2) If the vehicle operator is found not guilty of the 769
violation of division (A) of section 4511.19 of the Revised Code 770
or of the municipal OMVI ordinance, the court shall order that the 771
vehicle and its license plates immediately be released to the 772
vehicle owner upon the payment of any expenses or charges incurred 773
in its removal and storage. 774

(3) If the charge that the vehicle operator violated division 775
(A) of section 4511.19 of the Revised Code or the municipal OMVI 776
ordinance is dismissed for any reason, the court shall order that 777
the vehicle and its license plates immediately be released to the 778
vehicle owner upon the payment of any expenses or charges incurred 779
in its removal and storage. 780

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

(F)(1) The vehicle owner may be charged expenses or charges incurred in the removal and storage of the immobilized vehicle. The court with jurisdiction over the case, after notice to all interested parties, including lienholders, and after an opportunity for them to be heard, if the vehicle owner fails to appear in person, without good cause, or if the court finds that the vehicle owner does not intend to seek release of the vehicle at the end of the period of immobilization under section 4503.233 of the Revised Code or that the vehicle owner is not or will not be able to pay the expenses and charges incurred in its removal and storage, may order that title to the vehicle be transferred, in order of priority, first into the name of the person or entity that removed it, next into the name of a lienholder, or lastly into the name of the owner of the place of storage.

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

assignment of the certificate of title to the motor vehicle to a salvage dealer or a scrap metal processing facility. The person or entity shall not transfer the vehicle to the person who is the vehicle's immediate previous owner.

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If the person or entity assigns the motor vehicle to a salvage dealer or scrap metal processing facility, the person or entity shall send the assigned certificate of title to the motor vehicle to the clerk of the court of common pleas of the county in which the salvage dealer or scrap metal processing facility is located. The person or entity shall mark the face of the certificate of title with the words "for destruction" and shall deliver a photocopy of the certificate of title to the salvage dealer or scrap metal processing facility for its records.

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

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

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Sec. 4511.99. (A) Whoever violates division (A)(1), (2), (3), 845
or (4) of section 4511.19 of the Revised Code, in addition to the 846
license suspension or revocation provided in section 4507.16 of 847
the Revised Code and any disqualification imposed under section 848
4506.16 of the Revised Code, shall be punished as provided in 849
division (A)(1), (2), (3), or (4) of this section. Whoever 850
violates division (A)(5), (6), or (7) of section 4511.19 of the 851
Revised Code, in addition to the license suspension or revocation 852
provided in section 4507.16 of the Revised Code and any 853
disqualification imposed under section 4506.16 of the Revised 854
Code, shall be punished as provided in division (A)(5), (6), (7), 855
or (8) of this section. 856

(1) Except as otherwise provided in division (A)(2), (3), or 857
(4) of this section, the offender is guilty of a misdemeanor of 858
the first degree and the court shall sentence the offender to a 859
term of imprisonment of three consecutive days and may sentence 860
the offender pursuant to section 2929.21 of the Revised Code to a 861
longer term of imprisonment. In addition, the court shall impose 862
upon the offender a fine of not less than two hundred fifty and 863
not more than one thousand dollars. 864

The court may suspend the execution of the mandatory three 865
consecutive days of imprisonment that it is required to impose by 866
this division, if the court, in lieu of the suspended term of 867
imprisonment, places the offender on probation and requires the 868
offender to attend, for three consecutive days, a drivers' 869
intervention program that is certified pursuant to section 3793.10 870
of the Revised Code. The court also may suspend the execution of 871
any part of the mandatory three consecutive days of imprisonment 872
that it is required to impose by this division, if the court 873
places the offender on probation for part of the three consecutive 874
days; requires the offender to attend, for that part of the three 875
consecutive days, a drivers' intervention program that is 876

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. Fifty dollars of the fine
imposed pursuant to this division shall be paid to the political
subdivision that pays the cost of housing the offender during the
offender's term of incarceration to the credit of the fund that
pays the cost of the incarceration. If the offender was confined
as a result of the offense prior to being sentenced for the

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offense but is not sentenced to a term of incarceration, the fifty
dollars shall be paid to the political subdivision that paid the
cost of housing the offender during that period of confinement.
The political subdivision shall use this share to pay or reimburse
incarceration or treatment costs it incurs in housing or providing
drug and alcohol treatment to 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. 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.

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(2)(a) Except as otherwise provided in division (A)(4) of
this section, 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 if, within six
years of the offense, the offender has been convicted of or
pleaded guilty to one violation of the following:

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(i) Division (A) or (B) of section 4511.19 of the Revised
Code;

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(ii) 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;

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(iii) A municipal ordinance relating to operating a vehicle
with a prohibited concentration of alcohol in the blood, breath,
or urine;

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(iv) Section 2903.04 of the Revised Code in a case in which 941
the offender was subject to the sanctions described in division 942
(D) of that section; 943

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 944
section 2903.08 of the Revised Code or a municipal ordinance that 945
is substantially similar to either of those divisions; 946

(vi) Division (A)(2), (3), or (4) of section 2903.06, 947
division (A)(2) of section 2903.08, or former section 2903.07 of 948
the Revised Code, or a municipal ordinance that is substantially 949
similar to any of those divisions or that former section, in a 950
case in which the jury or judge found that the offender was under 951
the influence of alcohol, a drug of abuse, or alcohol and a drug 952
of abuse; 953

(vii) A statute of the United States or of any other state or 954
a municipal ordinance of a municipal corporation located in any 955
other state that is substantially similar to division (A) or (B) 956
of section 4511.19 of the Revised Code. 957

As an alternative to the term of imprisonment required to be 958
imposed by this division, but subject to division (A)(12) of this 959
section, the court may impose upon the offender a sentence 960
consisting of both a term of imprisonment of five consecutive days 961
and not less than eighteen consecutive days of electronically 962
monitored house arrest as defined in division (A) of section 963
2929.23 of the Revised Code. The five consecutive days of 964
imprisonment and the period of electronically monitored house 965
arrest shall not exceed six months. The five consecutive days of 966
imprisonment do not have to be served prior to or consecutively 967
with the period of electronically monitored house arrest. 968

In addition, the court shall impose upon the offender a fine 969
of not less than three hundred fifty and not more than one 970
thousand five hundred dollars. 971

In addition to any other sentence that it imposes upon the 972
offender, the court may require the offender to attend a drivers' 973
intervention program that is certified pursuant to section 3793.10 974
of the Revised Code. If the officials of the drivers' intervention 975
program determine that the offender is alcohol dependent, they 976
shall notify the court, and the court shall order the offender to 977
obtain treatment through an alcohol and drug addiction program 978
authorized by section 3793.02 of the Revised Code. The cost of the 979
treatment shall be paid by the offender. 980

Of the fine imposed pursuant to this division, thirty-five 981
dollars shall be paid to an enforcement and education fund 982
established by the legislative authority of the law enforcement 983
agency in this state that primarily was responsible for the arrest 984
of the offender, as determined by the court that imposes the fine. 985
This share shall be used by the agency to pay only those costs it 986
incurs in enforcing section 4511.19 of the Revised Code or a 987
substantially similar municipal ordinance and in informing the 988
public of the laws governing the operation of a motor vehicle 989
while under the influence of alcohol, the dangers of operating a 990
motor vehicle while under the influence of alcohol, and other 991
information relating to the operation of a motor vehicle and the 992
consumption of alcoholic beverages. One hundred fifteen dollars of 993
the fine imposed pursuant to this division shall be paid to the 994
political subdivision that pays the cost of housing the offender 995
during the offender's term of incarceration. This share shall be 996
used by the political subdivision to pay or reimburse 997
incarceration or treatment costs it incurs in housing or providing 998
drug and alcohol treatment to persons who violate section 4511.19 999
of the Revised Code or a substantially similar municipal ordinance 1000
and to pay for ignition interlock devices and electronic house 1001
arrest equipment for persons who violate that section, and shall 1002
be paid to the credit of the fund that pays the cost of the 1003

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 and except as provided in this division, if, within
six years of the offense, the offender has been convicted of or
pleaded guilty to two violations identified in division (A)(2) of
this section, 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)(12) 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)

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of section 2929.23 of the Revised Code. The fifteen consecutive 1036
days of imprisonment and the period of electronically monitored 1037
house arrest shall not exceed one year. The fifteen consecutive 1038
days of imprisonment do not have to be served prior to or 1039
consecutively with the period of electronically monitored house 1040
arrest. 1041

In addition, the court shall impose upon the offender a fine 1042
of not less than five hundred fifty and not more than two thousand 1043
five hundred dollars. 1044

In addition to any other sentence that it imposes upon the 1045
offender, the court shall require the offender to attend an 1046
alcohol and drug addiction program authorized by section 3793.02 1047
of the Revised Code. The cost of the treatment shall be paid by 1048
the offender. If the court determines that the offender is unable 1049
to pay the cost of attendance at the treatment program, the court 1050
may order that payment of the cost of the offender's attendance at 1051
the treatment program be made from that court's indigent drivers 1052
alcohol treatment fund. 1053

Of the fine imposed pursuant to this division, one hundred 1054
twenty-three dollars shall be paid to an enforcement and education 1055
fund established by the legislative authority of the law 1056
enforcement agency in this state that primarily was responsible 1057
for the arrest of the offender, as determined by the court that 1058
imposes the fine. This share shall be used by the agency to pay 1059
only those costs it incurs in enforcing section 4511.19 of the 1060
Revised Code or a substantially similar municipal ordinance and in 1061
informing the public of the laws governing the operation of a 1062
motor vehicle while under the influence of alcohol, the dangers of 1063
operating a motor vehicle while under the influence of alcohol, 1064
and other information relating to the operation of a motor vehicle 1065
and the consumption of alcoholic beverages. Two hundred 1066
seventy-seven dollars of the fine imposed pursuant to this 1067

division shall be paid to the political subdivision that pays the
cost of housing the offender during the offender's term of
incarceration. This share shall be used by the political
subdivision to pay or reimburse incarceration or treatment costs
it incurs in housing or providing drug and alcohol treatment to
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 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 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.

(4)(a)(i) If, within six years of the offense, the offender
has been convicted of or pleaded guilty to three or more
violations identified in division (A)(2) of this section, and if
sentence is not required to be imposed under division
(A)(4)(a)(ii) of this section, the offender is guilty of a felony
of the fourth degree and, notwithstanding division (A)(4) of
section 2929.14 of the Revised Code, may be sentenced to a
definite prison term that shall be not less than six months and
not more than thirty months. 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 either a mandatory term

of local incarceration of sixty consecutive days of imprisonment 1100
in accordance with division (G)(1) of section 2929.13 of the 1101
Revised Code or a mandatory prison term of sixty consecutive days 1102
of imprisonment in accordance with division (G)(2) of that 1103
section. If the court requires the offender to serve a mandatory 1104
term of local incarceration of sixty consecutive days of 1105
imprisonment in accordance with division (G)(1) of section 2929.13 1106
of the Revised Code, the court, pursuant to section 2929.17 of the 1107
Revised Code, may impose upon the offender a sentence that 1108
includes a term of electronically monitored house arrest, provided 1109
that the term of electronically monitored house arrest shall not 1110
commence until after the offender has served the mandatory term of 1111
local incarceration. 1112

(ii) If the offender previously has been convicted of or 1113
pleaded guilty to a violation of division (A) of section 4511.19 1114
of the Revised Code under circumstances in which the violation was 1115
a felony, regardless of when the prior violation and the prior 1116
conviction or guilty plea occurred, the offender is guilty of a 1117
felony of the third degree. The court shall sentence the offender 1118
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1119
and shall impose as part of the sentence a mandatory prison term 1120
of sixty consecutive days of imprisonment in accordance with 1121
division (G)(2) of section 2929.13 of the Revised Code. 1122

(iii) In addition to all other sanctions imposed on an 1123
offender under division (A)(4)(a)(i) or (ii) of this section, the 1124
court shall impose upon the offender, pursuant to section 2929.18 1125
of the Revised Code, a fine of not less than eight hundred nor 1126
more than ten thousand dollars. 1127

In addition to any other sanction that it imposes upon the 1128
offender under division (A)(4)(a)(i) or (ii) of this section, the 1129
court shall require the offender to attend an alcohol and drug 1130
addiction program authorized by section 3793.02 of the Revised 1131

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. Four hundred forty dollars of
the fine imposed pursuant to this division shall be paid to the
political subdivision that pays the cost of housing the offender
during the offender's term of incarceration. This share shall be
used by the political subdivision to pay or reimburse
incarceration or treatment costs it incurs in housing or providing
drug and alcohol treatment to 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
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 otherwise provided in division (A)(6), (7),
or (8) of this section, the offender is guilty of a misdemeanor of
the first degree, and the court shall sentence the offender to one
of the following:

(i) A term of imprisonment of at least three consecutive days
and a requirement that the offender attend, for three consecutive
days, a drivers' intervention program that is certified pursuant
to section 3793.10 of the Revised Code;

(ii) If the court determines that the offender is not

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conducive to treatment in the program, if the offender refuses to attend the program, or if the place of imprisonment can provide a drivers' intervention program, a term of imprisonment of at least six consecutive days.

(b) In addition, the court shall impose upon the offender a fine of not less than two hundred fifty and not more than one thousand dollars.

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. The agency shall use this share 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. Fifty dollars of the fine imposed pursuant to this division shall be paid to the political

subdivision that pays the cost of housing the offender during the 1227
offender's term of incarceration to the credit of the fund that 1228
pays the cost of the incarceration. The political subdivision 1229
shall use this share to pay or reimburse incarceration or 1230
treatment costs it incurs in housing or providing drug and alcohol 1231
treatment to persons who violate section 4511.19 of the Revised 1232
Code or a substantially similar municipal ordinance and to pay for 1233
ignition interlock devices and electronic house arrest equipment 1234
for persons who violate that section. Twenty-five dollars of the 1235
fine imposed pursuant to this division shall be deposited into the 1236
county indigent drivers alcohol treatment fund or municipal 1237
indigent drivers alcohol treatment fund under the control of that 1238
court, as created by the county or municipal corporation pursuant 1239
to division (N) of section 4511.191 of the Revised Code. The 1240
balance of the fine shall be disbursed as otherwise provided by 1241
law. 1242

(6)(a) Except as otherwise provided in division (A)(8) of 1243
this section and except as provided in this division, if, within 1244
six years of the offense, the offender has been convicted of or 1245
pleaded guilty to one violation of division (A) or (B) of section 1246
4511.19 of the Revised Code, a municipal ordinance relating to 1247
operating a vehicle while under the influence of alcohol, a drug 1248
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1249
relating to operating a vehicle with a prohibited concentration of 1250
alcohol in the blood, breath, or urine, section 2903.04 of the 1251
Revised Code in a case in which the offender was subject to the 1252
sanctions described in division (D) of that section, section 1253
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1254
ordinance that is substantially similar to section 2903.07 of the 1255
Revised Code in a case in which the jury or judge found that the 1256
offender was under the influence of alcohol, a drug of abuse, or 1257
alcohol and a drug of abuse, or a statute of the United States or 1258

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 the court shall sentence the offender to a term of imprisonment of twenty 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)(12) of this section, the court may impose upon the offender a sentence consisting of both a term of imprisonment of ten consecutive days and not less than thirty-six consecutive days of electronically monitored house arrest as defined in division (A) of section 2929.23 of the Revised Code. The ten consecutive days of imprisonment and the period of electronically monitored house arrest shall not exceed six months. The ten 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 fifty 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 offender shall pay the cost of the treatment.

Of the fine imposed pursuant to this division, thirty-five

dollars shall be paid to an enforcement and education fund 1291
established by the legislative authority of the law enforcement 1292
agency in this state that primarily was responsible for the arrest 1293
of the offender, as determined by the court that imposes the fine. 1294
The agency shall use this share to pay only those costs it incurs 1295
in enforcing section 4511.19 of the Revised Code or a 1296
substantially similar municipal ordinance and in informing the 1297
public of the laws governing the operation of a motor vehicle 1298
while under the influence of alcohol, the dangers of operating a 1299
motor vehicle while under the influence of alcohol, and other 1300
information relating to the operation of a motor vehicle and the 1301
consumption of alcoholic beverages. One hundred fifteen dollars of 1302
the fine imposed pursuant to this division shall be paid to the 1303
political subdivision that pays the cost of housing the offender 1304
during the offender's term of incarceration. The political 1305
subdivision shall use this share to pay or reimburse incarceration 1306
or treatment costs it incurs in housing or providing drug and 1307
alcohol treatment to persons who violate section 4511.19 of the 1308
Revised Code or a substantially similar municipal ordinance and to 1309
pay for ignition interlock devices and electronic house arrest 1310
equipment for persons who violate that section, and this share 1311
shall be paid to the credit of the fund that pays the cost of the 1312
incarceration. Fifty dollars of the fine imposed pursuant to this 1313
division shall be deposited into the county indigent drivers 1314
alcohol treatment fund or municipal indigent drivers alcohol 1315
treatment fund under the control of that court, as created by the 1316
county or municipal corporation pursuant to division (N) of 1317
section 4511.191 of the Revised Code. The balance of the fine 1318
shall be disbursed as otherwise provided by law. 1319

(b) Regardless of whether the vehicle the offender was 1320
operating at the time of the offense is registered in the 1321
offender's name or in the name of another person, the court, in 1322

addition to the penalties imposed under division (A)(6)(a) of this 1323
section and all other penalties provided by law and subject to 1324
section 4503.235 of the Revised Code, shall order the 1325
immobilization for ninety days of the vehicle the offender was 1326
operating at the time of the offense and the impoundment for 1327
ninety days of the identification license plates of that vehicle. 1328
The order for the immobilization and impoundment shall be issued 1329
and enforced in accordance with section 4503.233 of the Revised 1330
Code. 1331

(7)(a) Except as otherwise provided in division (A)(8) of 1332
this section and except as provided in this division, if, within 1333
six years of the offense, the offender has been convicted of or 1334
pleaded guilty to two violations of division (A) or (B) of section 1335
4511.19 of the Revised Code, a municipal ordinance relating to 1336
operating a vehicle while under the influence of alcohol, a drug 1337
of abuse, or alcohol and a drug of abuse, a municipal ordinance 1338
relating to operating a vehicle with a prohibited concentration of 1339
alcohol in the blood, breath, or urine, section 2903.04 of the 1340
Revised Code in a case in which the offender was subject to the 1341
sanctions described in division (D) of that section, section 1342
2903.06, 2903.07, or 2903.08 of the Revised Code or a municipal 1343
ordinance that is substantially similar to section 2903.07 of the 1344
Revised Code in a case in which the jury or judge found that the 1345
offender was under the influence of alcohol, a drug of abuse, or 1346
alcohol and a drug of abuse, or a statute of the United States or 1347
of any other state or a municipal ordinance of a municipal 1348
corporation located in any other state that is substantially 1349
similar to division (A) or (B) of section 4511.19 of the Revised 1350
Code, the court shall sentence the offender to a term of 1351
imprisonment of sixty consecutive days and may sentence the 1352
offender to a longer definite term of imprisonment of not more 1353
than one year. As an alternative to the term of imprisonment 1354

required to be imposed by this division, but subject to division 1355
(A)(12) of this section, the court may impose upon the offender a 1356
sentence consisting of both a term of imprisonment of thirty 1357
consecutive days and not less than one hundred ten consecutive 1358
days of electronically monitored house arrest as defined in 1359
division (A) of section 2929.23 of the Revised Code. The thirty 1360
consecutive days of imprisonment and the period of electronically 1361
monitored house arrest shall not exceed one year. The thirty 1362
consecutive days of imprisonment do not have to be served prior to 1363
or consecutively with the period of electronically monitored house 1364
arrest. 1365

In addition, the court shall impose upon the offender a fine 1366
of not less than five hundred fifty and not more than two thousand 1367
five hundred dollars. 1368

In addition to any other sentence that it imposes upon the 1369
offender, the court shall require the offender to attend an 1370
alcohol and drug addiction program authorized by section 3793.02 1371
of the Revised Code. The offender shall pay the cost of the 1372
treatment. If the court determines that the offender is unable to 1373
pay the cost of attendance at the treatment program, the court may 1374
order that payment of the cost of the offender's attendance at the 1375
treatment program be made from that court's indigent drivers 1376
alcohol treatment fund. 1377

Of the fine imposed pursuant to this division, one hundred 1378
twenty-three dollars shall be paid to an enforcement and education 1379
fund established by the legislative authority of the law 1380
enforcement agency in this state that primarily was responsible 1381
for the arrest of the offender, as determined by the court that 1382
imposes the fine. The agency shall use this share to pay only 1383
those costs it incurs in enforcing section 4511.19 of the Revised 1384
Code or a substantially similar municipal ordinance and in 1385
informing the public of the laws governing the operation of a 1386

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
seventy-seven dollars of the fine imposed pursuant to this
division shall be paid to the political subdivision that pays the
cost of housing the offender during the offender's term of
incarceration. The political subdivision shall use this share to
pay or reimburse incarceration or treatment costs it incurs in
housing or providing drug and alcohol treatment to 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 this share 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)(7)(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.

(8)(a)(i) 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, and if
sentence is not required to be imposed under division
(A)(8)(a)(ii) of this section, the offender is guilty of a felony
of the fourth degree and, notwithstanding division (A)(4) of
section 2929.14 of the Revised Code, may be sentenced to a
definite prison term that shall be not less than six months and
not more than thirty months. 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 either a mandatory term
of local incarceration of one hundred twenty consecutive days of
imprisonment in accordance with division (G)(1) of section 2929.13
of the Revised Code or a mandatory prison term of one hundred
twenty consecutive days of imprisonment in accordance with
division (G)(2) of that section. If the court requires the
offender to serve a mandatory term of local incarceration of one
hundred twenty 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 1452
has served the mandatory term of local incarceration. 1453
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(ii) If the offender previously has been convicted of or 1455
pleaded guilty to a violation of division (A) of section 4511.19 1456
of the Revised Code under circumstances in which the violation was 1457
a felony, regardless of when the prior violation and the prior 1458
conviction or guilty plea occurred, the offender is guilty of a 1459
felony of the third degree. The court shall sentence the offender 1460
in accordance with sections 2929.11 to 2929.19 of the Revised Code 1461
and shall impose as part of the sentence a mandatory prison term 1462
of one hundred twenty consecutive days of imprisonment in 1463
accordance with division (G)(2) of section 2929.13 of the Revised 1464
Code. 1465

(iii) In addition to all other sanctions imposed on an 1466
offender under division (A)(8)(a)(i) or (ii) of this section, the 1467
court shall impose upon the offender, pursuant to section 2929.18 1468
of the Revised Code, a fine of not less than eight hundred nor 1469
more than ten thousand dollars. 1470

In addition to any other sanction that it imposes upon the 1471
offender under division (A)(8)(a)(i) or (ii) of this section, the 1472
court shall require the offender to attend an alcohol and drug 1473
addiction program authorized by section 3793.02 of the Revised 1474
Code. The cost of the treatment shall be paid by the offender. If 1475
the court determines that the offender is unable to pay the cost 1476
of attendance at the treatment program, the court may order that 1477
payment of the cost of the offender's attendance at the treatment 1478
program be made from the court's indigent drivers alcohol 1479
treatment fund. 1480

Of the fine imposed pursuant to this division, two hundred 1481
ten dollars shall be paid to an enforcement and education fund 1482
established by the legislative authority of the law enforcement 1483

agency in this state that primarily was responsible for the arrest 1484
of the offender, as determined by the court that imposes the fine. 1485
The agency shall use this share to pay only those costs it incurs 1486
in enforcing section 4511.19 of the Revised Code or a 1487
substantially similar municipal ordinance and in informing the 1488
public of the laws governing operation of a motor vehicle while 1489
under the influence of alcohol, the dangers of operation of a 1490
motor vehicle while under the influence of alcohol, and other 1491
information relating to the operation of a motor vehicle and the 1492
consumption of alcoholic beverages. Four hundred forty dollars of 1493
the fine imposed pursuant to this division shall be paid to the 1494
political subdivision that pays the cost of housing the offender 1495
during the offender's term of incarceration. The political 1496
subdivision shall use this share to pay or reimburse incarceration 1497
or treatment costs it incurs in housing or providing drug and 1498
alcohol treatment to persons who violate section 4511.19 of the 1499
Revised Code or a substantially similar municipal ordinance and to 1500
pay for ignition interlock devices and electronic house arrest 1501
equipment for persons who violate that section, and this share 1502
shall be paid to the credit of the fund that pays the cost of 1503
incarceration. The balance of the fine shall be disbursed as 1504
otherwise provided by law. 1505

(b) Regardless of whether the vehicle the offender was 1506
operating at the time of the offense is registered in the 1507
offender's name or in the name of another person, the court, in 1508
addition to the sanctions imposed under division (A)(8)(a) of this 1509
section and all other sanctions provided by law and subject to 1510
section 4503.235 of the Revised Code, shall order the criminal 1511
forfeiture to the state of the vehicle the offender was operating 1512
at the time of the offense. The order of criminal forfeiture shall 1513
be issued and enforced in accordance with section 4503.234 of the 1514
Revised Code. 1515

(c) As used in division (A)(8)(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.

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(d) 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.

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(9)(a) Except as provided in division (A)(9)(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), (4), (5), (6), (7), or (8) 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, six, ten, twenty, thirty, or sixty
consecutive days of imprisonment or the mandatory term of local
incarceration of sixty or one hundred twenty consecutive days that
the court is required by division (A)(1), (2), (3), (4), (5), (6),
(7), or (8) of this section to impose. No court shall authorize
work release from imprisonment during the three, six, ten, twenty,
thirty, or sixty consecutive days of imprisonment or the mandatory
term of local incarceration or mandatory prison term of sixty or
one hundred twenty consecutive days that the court is required by
division (A)(1), (2), (3), (4), (5), (6), (7), or (8) 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

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the time actually spent under employment. 1548

(b) An offender who is sentenced pursuant to division (A)(2), 1549
(3), (6), or (7) of this section to a term of imprisonment 1550
followed by a period of electronically monitored house arrest is 1551
not eligible for work release from imprisonment, but that person 1552
shall be permitted work release during the period of 1553
electronically monitored house arrest. The duration of the work 1554
release shall not exceed the time necessary each day for the 1555
offender to commute to and from the place of employment and the 1556
offender's home or other place specified by the sentencing court 1557
and the time actually spent under employment. 1558

(10) Notwithstanding any section of the Revised Code that 1559
authorizes the suspension of the imposition or execution of a 1560
sentence, the placement of an offender in any treatment program in 1561
lieu of imprisonment, or the use of a community control sanction 1562
for an offender convicted of a felony, no court shall suspend the 1563
ten, twenty, thirty, or sixty consecutive days of imprisonment 1564
required to be imposed on an offender by division (A)(2), (3), 1565
(6), or (7) of this section, no court shall place an offender who 1566
is sentenced pursuant to division (A)(2), (3), (4), (6), (7), or 1567
(8) of this section in any treatment program in lieu of 1568
imprisonment until after the offender has served the ten, twenty, 1569
thirty, or sixty consecutive days of imprisonment or the mandatory 1570
term of local incarceration or mandatory prison term of sixty or 1571
one hundred twenty consecutive days required to be imposed 1572
pursuant to division (A)(2), (3), (4), (6), (7), or (8) of this 1573
section, no court that sentences an offender under division (A)(4) 1574
or (8) of this section shall impose any sanction other than a 1575
mandatory term of local incarceration or mandatory prison term to 1576
apply to the offender until after the offender has served the 1577
mandatory term of local incarceration or mandatory prison term of 1578
sixty or one hundred twenty consecutive days required to be 1579

imposed pursuant to division (A)(4) or (8) 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), (3), (6), or (7) 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) or (5) of this section, shall
suspend the three or more consecutive days of imprisonment
required to be imposed by division (A)(1) or (5) of this section
or place an offender who is sentenced pursuant to division (A)(1)
or (5) of this section in any treatment program in lieu of
imprisonment until after the offender has served the three or more
consecutive days of imprisonment required to be imposed pursuant
to division (A)(1) or (5) of this section.

(11) No court shall sentence an offender to an alcohol
treatment program pursuant to division (A)(1), (2), (3), (4), (5),
(6), (7), or (8) 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.

(12) No court shall impose the alternative sentence of a term
of imprisonment plus a term of electronically monitored house
arrest permitted to be imposed by division (A)(2), (3), (6), or
(7) 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 1612
the sixty-day period following the date of sentencing. If the 1613
court issues such a written finding, the court may impose the 1614
alternative sentence comprised of a term of imprisonment and a 1615
term of electronically monitored house arrest permitted to be 1616
imposed by division (A)(2), (3), (6), or (7) of this section. 1617

(B) Whoever violates section 4511.192, 4511.251, or 4511.85 1618
of the Revised Code is guilty of a misdemeanor of the first 1619
degree. The court, in addition to or independent of all other 1620
penalties provided by law, may suspend for a period not to exceed 1621
one year the driver's or commercial driver's license or permit or 1622
nonresident operating privilege of any person who pleads guilty to 1623
or is convicted of a violation of section 4511.192 of the Revised 1624
Code. 1625

(C) Whoever violates section 4511.63, 4511.76, 4511.761, 1626
4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code is 1627
guilty of one of the following: 1628

(1) Except as otherwise provided in division (C)(2) of this 1629
section, a minor misdemeanor. 1630

(2) If the offender previously has been convicted of or 1631
pleaded guilty to one or more violations of section 4511.63, 1632
4511.76, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the 1633
Revised Code or a municipal ordinance that is substantially 1634
similar to any of those sections, a misdemeanor of the fourth 1635
degree. 1636

(D)(1) Whoever violates any provision of sections 4511.01 to 1637
4511.76 or section 4511.84 of the Revised Code, for which no 1638
penalty otherwise is provided in this section is guilty of one of 1639
the following: 1640

(a) Except as otherwise provided in division (D)(1)(b), 1641
(1)(c), (2), (3), or (4) of this section, a minor misdemeanor; 1642

(b) If, within one year of the offense, the offender 1643
previously has been convicted of or pleaded guilty to one 1644
violation of any provision of sections 4511.01 to 4511.76 or 1645
section 4511.84 of the Revised Code for which no penalty otherwise 1646
is provided in this section or a municipal ordinance that is 1647
substantially similar to any provision of sections 4511.01 to 1648
4511.76 or section 4511.84 of the Revised Code for which no 1649
penalty otherwise is provided in this section, a misdemeanor of 1650
the fourth degree; 1651

(c) If, within one year of the offense, the offender 1652
previously has been convicted of or pleaded guilty to two or more 1653
violations of any provision described in division (D)(1)(b) of 1654
this section or any municipal ordinance that is substantially 1655
similar to any of those provisions, a misdemeanor of the third 1656
degree. 1657

(2) When any person is found guilty of a first offense for a 1658
violation of section 4511.21 of the Revised Code upon a finding 1659
that the person operated a motor vehicle faster than thirty-five 1660
miles an hour in a business district of a municipal corporation, 1661
or faster than fifty miles an hour in other portions, or faster 1662
than thirty-five miles an hour while passing through a school zone 1663
during recess or while children are going to or leaving school 1664
during the opening or closing hours, the person is guilty of a 1665
misdemeanor of the fourth degree. 1666

(3) Notwithstanding section 2929.21 of the Revised Code, upon 1667
a finding that such person operated a motor vehicle in a 1668
construction zone where a sign was then posted in accordance with 1669
section 4511.98 of the Revised Code, the court, in addition to all 1670
other penalties provided by law, shall impose a fine of two times 1671
the usual amount imposed for the violation. No court shall impose 1672
a fine of two times the usual amount imposed for the violation 1673
upon an offender who alleges, in an affidavit filed with the court 1674

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.

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(4) Notwithstanding section 2929.21 of the Revised Code, upon
a finding that a person operated a motor vehicle in violation of
division (C) of section 4511.213 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.

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(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.

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(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) 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.

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(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.

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

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be punished as follows: 1706

(a) Except as otherwise provided in division (H)(1)(b) of 1707
this section, the offender is guilty of a minor misdemeanor. 1708

(b) If the offender previously has been convicted of or 1709
pleaded guilty to a violation of division (A) or (B) of section 1710
4511.81 of the Revised Code or of a municipal ordinance that is 1711
substantially similar to either of those divisions, the offender 1712
is guilty of a misdemeanor of the fourth degree. 1713

(2) Whoever is not a resident of this state, violates 1714
division (A) or (B) of section 4511.81 of the Revised Code, and 1715
fails to prove by a preponderance of the evidence that the 1716
offender's use or nonuse of a child restraint system was in 1717
accordance with the law of the state of which the offender is a 1718
resident is guilty of a minor misdemeanor on a first offense; on a 1719
second or subsequent offense, that person is guilty of a 1720
misdemeanor of the fourth degree. 1721

(3) All fines imposed pursuant to division (H)(1) or (2) of 1722
this section shall be forwarded to the treasurer of state for 1723
deposit in the "child highway safety fund" created by division (G) 1724
of section 4511.81 of the Revised Code. 1725

(I) Whoever violates section 4511.202 of the Revised Code is 1726
guilty of operating a motor vehicle without being in control of 1727
it, a minor misdemeanor. 1728

(J) Whoever violates division (B) of section 4511.74, 1729
division (B)(1), (2), or (3), (C), or (E)(1), (2), or (3) of 1730
section 4511.83 of the Revised Code is guilty of a misdemeanor of 1731
the first degree. 1732

(K) Except as otherwise provided in this division, whoever 1733
violates division (E) of section 4511.11, division (A) or (C) of 1734
section 4511.17, or section 4511.18 of the Revised Code is guilty 1735
of a misdemeanor of the third degree. If a violation of division 1736

(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) The offender is guilty of a misdemeanor of the third

degree if, within one year of the offense, the offender has been 1768
convicted of or pleaded guilty to any violation of the following: 1769

(i) Division (A) or (B) of section 4511.19 of the Revised 1770
Code; 1771

(ii) A municipal ordinance relating to operating a vehicle 1772
while under the influence of alcohol, a drug of abuse, or alcohol 1773
and a drug of abuse; 1774

(iii) A municipal ordinance relating to operating a vehicle 1775
with a prohibited concentration of alcohol in the blood, breath, 1776
or urine; 1777

(iv) Section 2903.04 of the Revised Code in a case in which 1778
the offender was subject to the sanctions described in division 1779
(D) of that section; 1780

(v) Division (A)(1) of section 2903.06 or division (A)(1) of 1781
section 2903.08 of the Revised Code or a municipal ordinance that 1782
is substantially similar to either of those divisions; 1783

(vi) Division (A)(2), (3), or (4) of section 2903.06 or 1784
division (A)(2) of section 2903.08 of the Revised Code or a 1785
municipal ordinance that is substantially similar to any of those 1786
divisions, or former section 2903.07 of the Revised Code or a 1787
substantially similar municipal ordinance, in a case in which the 1788
jury or judge found that the offender was under the influence of 1789
alcohol, a drug of abuse, or alcohol and a drug of abuse; 1790

(vii) A statute of the United States or of any other state or 1791
a municipal ordinance of a municipal corporation located in any 1792
other state that is substantially similar to division (A) or (B) 1793
of section 4511.19 of the Revised Code. 1794

(2) In addition to or independent of all other penalties 1795
provided by law, the offender's driver's or commercial driver's 1796
license or permit or nonresident operating privilege shall be 1797

suspended in accordance with, and for the period of time specified 1798
in, division (E) of section 4507.16 of the Revised Code. 1799

(O) Whoever violates section 4511.62 of the Revised Code is 1800
guilty of a misdemeanor of the fourth degree. 1801

(P) Whoever violates division (F)(1)(a) or (b) of section 1802
4511.69 of the Revised Code is guilty of a misdemeanor and shall 1803
be fined not less than two hundred fifty nor more than five 1804
hundred dollars, but in no case shall an offender be sentenced to 1805
any term of imprisonment. 1806

Arrest or conviction for a violation of division (F)(1)(a) or 1807
(b) of section 4511.69 of the Revised Code does not constitute a 1808
criminal record and need not be reported by the person so arrested 1809
or convicted in response to any inquiries contained in any 1810
application for employment, license, or other right or privilege, 1811
or made in connection with the person's appearance as a witness. 1812

Every fine collected under this division shall be paid by the 1813
clerk of the court to the political subdivision in which the 1814
violation occurred. Except as provided in this division, the 1815
political subdivision shall use the fine moneys it receives under 1816
this division to pay the expenses it incurs in complying with the 1817
signage and notice requirements contained in division (E) of 1818
section 4511.69 of the Revised Code. The political subdivision may 1819
use up to fifty per cent of each fine it receives under this 1820
division to pay the costs of educational, advocacy, support, and 1821
assistive technology programs for persons with disabilities, and 1822
for public improvements within the political subdivision that 1823
benefit or assist persons with disabilities, if governmental 1824
agencies or nonprofit organizations offer the programs. 1825

(Q) If a motor vehicle is removed or stored as a result of a 1826
violation of any provision of Chapter 4511. of the Revised Code, 1827
the court shall order the vehicle owner to pay the expenses or 1828

charges incurred in the removal and storage of the vehicle. The 1829
court also shall require the person that removes the vehicle or 1830
stores the vehicle to submit to the clerk of the court within ten 1831
days after the vehicle is removed or stored a written bill 1832
itemizing the expenses and charges for removing, storing, or 1833
removing and storing the vehicle. 1834

Section 2. That existing sections 4503.233, 4503.234, 1835
4511.195, and 4511.99 of the Revised Code are hereby repealed. 1836

Section 3. (A) Section 4503.233 of the Revised Code is 1837
presented in this act as a composite of the section as amended by 1838
Am. H.B. 80, Am. Sub. S.B. 22, and Am. Sub. S.B. 107 of the 123rd 1839
General Assembly. The General Assembly, applying the principle 1840
stated in division (B) of section 1.52 of the Revised Code that 1841
amendments are to be harmonized if reasonably capable of 1842
simultaneous operation, finds that the composite is the resulting 1843
version of the section in effect prior to the effective date of 1844
the section as presented in this act. 1845

(B) Section 4503.234 of the Revised Code is presented in this 1846
act as a composite of the section as amended by both Am. Sub. H.B. 1847
353 and Am. Sub. H.B. 676 of the 121st General Assembly. The 1848
General Assembly, applying the principle stated in division (B) of 1849
section 1.52 of the Revised Code that amendments are to be 1850
harmonized if reasonably capable of simultaneous operation, finds 1851
that the composite is the resulting version of the section in 1852
effect prior to the effective date of the section as presented in 1853
this act. 1854